



Planning Commission Meeting Agenda
City Council Chambers, City Hall, 612 N. Main Street
March 13, 2023

- 1. 12:00 PM Call to Order**
- 2. Roll Call**
- 3. Declaration Of Conflicts Of Interests**
- 4. Approve Agenda**
- 5. Approve Previous Minutes-February 27, 2023**
- 6. Schedule Next Meeting-March 27, 2023 @ 12:00 P.M.**
- 7. Variance: Schreurs**

Jay Schreurs has applied for a variance permit for a combination of attached and detached accessory buildings of 2,704 square feet vs 2,000 square feet to build a new detached accessory building of 1,920 square feet located at 1800 Charles Ave, legally described as Lots 8 & 9, Block 5 of Woods First Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned High Density Residential District (R4).
- 8. Recommendation on Road Vacation**

TKKlingaman LLC and Jeffery and Denise DeFavero have petitioned to vacate right of ways in the areas of the 1900 and 2000 blocks of west 8th Ave.
- 9. Public hearing for the recommendation to the City Council for the Resolution of Adoption on the City of Mitchell/Davison County Comprehensive Plan.**
- 10. Other Business:**
- 11. Public Input:**

If you need to address the Board 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. Adjourn**

Individuals with disabilities who require special assistance to take part in this meeting may contact one of the following at City Hall (605) 995-8420 at least 24 hours prior to the meeting with requests for assistance: Human Resources Officer or the City Administrator.

Planning Commission Minutes
City Council Chambers, City Hall, 612 N. Main Street
February 27, 2023

1. Call to Order

Chairperson Larson called the February 27, 2023 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: Doescher, Genzlinger, Jirsa (telephonically), Larson, Osterloo, Penney (telephonically), Schmitz, Sonne.

Absent: None.

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

3. Declaration Of Conflicts Of Interests

Genzlinger item #8.

Jirsa item #8.

4. Approve Agenda

Motion by Genzlinger, seconded by Osterloo to approve the proposed agenda. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – aye, Schmitz – aye, Sonne – aye. 7 aye, 0 nay;; motion carried.

5. Approve Previous Minutes-2-13-23

Motion by Schmitz, seconded by Sonne to approve the proposed minutes of the February 13, 2023 Planning Commission meeting. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – aye, Schmitz – aye, Sonne – aye. 7 aye, 0 nay; motion carried.

6. Schedule Next Meeting-3-13-23 @ 12:00 P.M.

Motion by Genzlinger, seconded by Osterloo to set the date for the next Planning Commission meeting for March 13, 2023. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – aye, Schmitz – aye, Sonne – aye. 7 aye, 0 nay; motion carried.

7. Plat: Lot 1 of Albrecht's Addition in the NE ¼ of Section 18, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota; as requested by Bruce Albrecht.

Jenniges explained this is just outside the ETJ but still within 3 miles of the city limits. The applicant is platting off 5 acres for his son to build a house on. The county will hear the plat and variance on March 14 and 21. The applicant was present to answer any questions.

Motion by Schmitz, seconded by Genzlinger to approve the plat pending county approval. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – aye, Schmitz – aye, Sonne – aye. 7 aye, 0 nay; motion carried.

8. Hearing and Action on Establishing the Boundaries and Approval of the Project Plan for Tax Increment Financing District #29.

Jenniges explained SHPO has requested an 11.1 Case Review on this project. Mitchell Historic Preservation Commission will hear the case and return their findings to SHPO prior to any building permits being issued.

Larson noted this is not the first TIF the city has done and others have already paid off.

Don Petersen, attorney for the applicant, gave an overview of TIF #29. He noted a few changes within the packet that was given to the board. He noted they were originally working off the 2021 mil levy and have since changed it to 2022, which decreased the amount of the requested till to \$527,257. Don Dahl is the project manager, just like the project in the Ben Franklin building. The project is scheduled for completion in the summer of 2024. There are \$800,000 TIF eligible dollars which include common area, public hallways, plumbing repair, flooring, paint, community restroom, tuck pointing and a new public elevator and shaft, and \$900,000 not eligible, which includes the rehabilitation of the apartment units and new office spaces, less electrical and plumbing but they are just requesting \$527,257 for the TIF.

Ellwien noted the city has a TIF review committee that reviews the project and requested some changes which were made. The tuck pointing and new elevator were noted as key upgrades for the project due to the longevity it will bring.

Motion by Osterloo, seconded by Sonne, to set the boundaries for TIF District #29 to include the following:

Lots Seven (7), Eight (8), Nine (9) and Ten (10), Block Two (2), Original Town (now City) of Mitchell, Davison County, South Dakota.

Roll call vote: Genzlinger – abstain, Jirsa – abstain, Larson – aye, Osterloo – aye, Penney – aye, Schmitz – aye, Sonne – aye. 5 aye, 0 nay, 2 abstain; motion carried.

Motion by Schmitz, seconded by Osterloo to approve the project plan and recommend approval of TIF District #29. Roll call vote: Genzlinger – abstain, Jirsa – abstain, Larson – aye, Osterloo – aye, Penney – aye, Schmitz – aye, Sonne – aye. 5 aye, 0 nay, 2 abstain; motion carried.

9. Other Business:

None.

10. Public Input:

None.

11. Adjourn

Chairperson Larson adjourned the meeting at 12:22 P.M.

Jay A. 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 S150 application due with the application.

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

☐ Variance S100 application due with the application.

- Description of Variance Requested: Attached + detached accessory building of
2704 square ft vs 2,000 square feet in R4

☐ Conditional Use Permit S150 application due with the application.

- Description of Conditional Use: _____

This Application is for the following described real property:

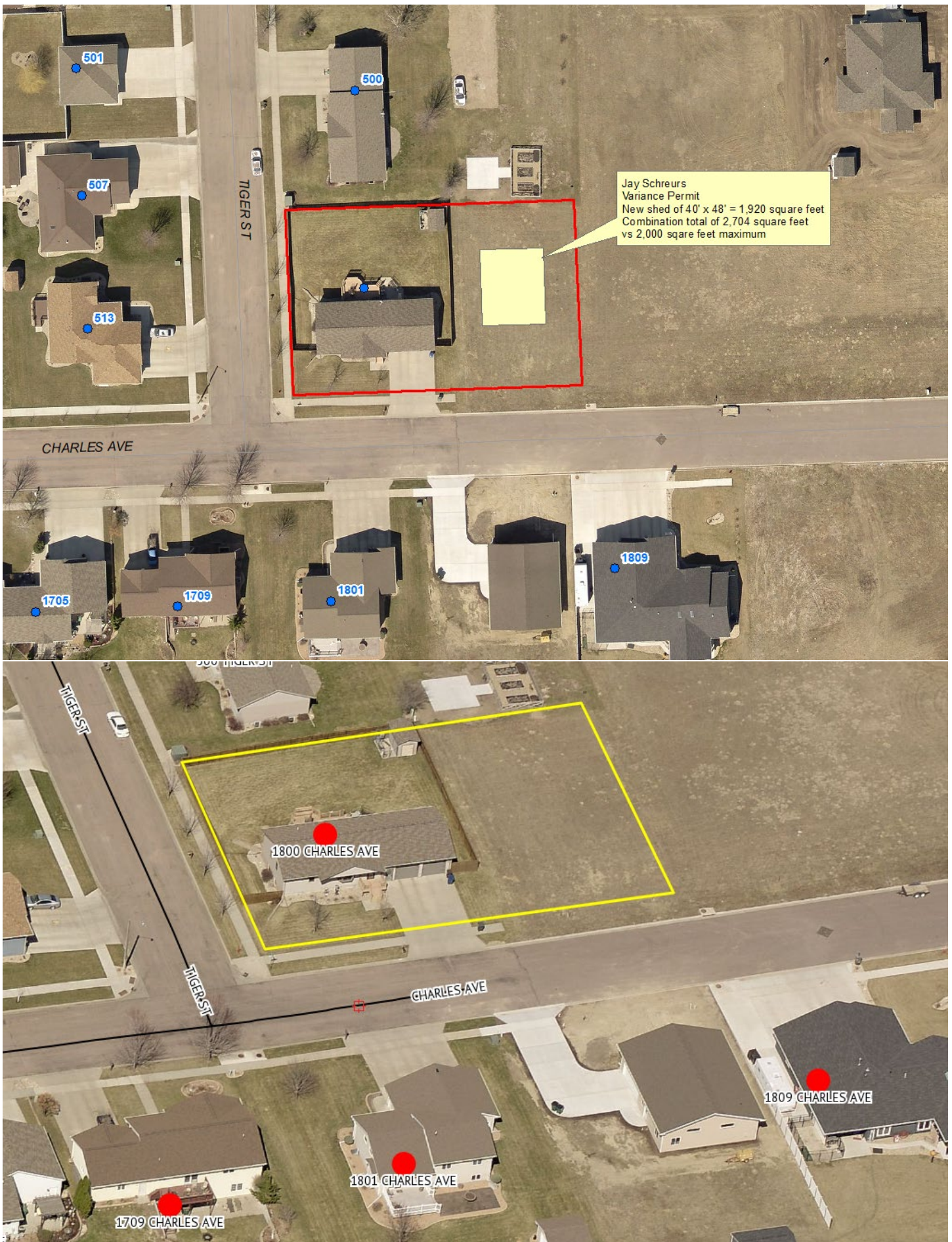
- Legal Description: Lots 8 & 9, Block 5 Woods First Addition,
City of Mitchell, Davison County, South Dakota

- Property Address: 1800 Charles Ave

Dated this 21st day of February, 2023

Jayne Schreurs
Applicant

Joe Schreurs
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 Jay Schreurs has applied for a variance permit for a combination of attached and detached accessory buildings of 2,704 square feet vs 2,000 square feet to build a new detached accessory building of 1,920 square feet located at 1800 Charles Ave, legally described as Lots 8 & 9, Block 5 of Woods First Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned High Density Residential District (R4).

YOU ARE FURTHER NOTIFIED, that public hearings will be held by the City Planning Commission on Monday, March 13, 2023, 12:00 P.M. (Noon) and the Board of Adjustment on Monday, March 20, 2023 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 this 22nd day of February, 2023.

Michelle Bathke

FINANCE OFFICER

Publish once: 1st day of March, 2023

Approximate Cost:

Jay Schreurs
1800 Charles Ave
Mitchell, SD 57301

Dan & Maureen Andersen
1705 Charles Ave
Mitchell, SD 57301

Salvation Army
1709 Charles Ave
Mitchell, SD 57301

Sheryl & Timothy Loes
1801 Charles Ave
Mitchell, SD 57301

Milo & Lorie Hansen
1809 Charles Ave
Mitchell, SD 57301

CJM Consulting Inc
1050 N Harmon Dr
Mitchell, SD 57301

Steven & Tamara Brinkman
500 Christine St
Mitchell, SD 57301

Brittany Maag
Aaron Climer
506 Christine St
Mitchell, SD 57301

James & Helen Huck
512 Christine St
Mitchell, SD 57301

Kelly & Ashley Pfeifer
513 Tiger St
Mitchell, SD 57301

Stacey & Duane Bannwarth
507 Tiger St
Mitchell, SD 57301

Brenda Ivers
413 Tiger St
Mitchell, SD 57301

Jilardo & Alejandra Gomez
1800 Snead Ave
Mitchell, SD 57301

Karl Knight
318 Christine St
Mitchell, SD 57301

Haven Gauger
Jenny Gab-Gauger
500 Tiger St
Mitchell, SD 57301

Jeffrey & Janell Goldammer
PO Box 42
Whitewood, SD 57793

March 1, 2023

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that Jay Schreurs has applied for a variance permit for a combination of attached and detached accessory buildings of 2,704 square feet vs 2,000 square feet to build a new detached accessory building of 1,920 square feet located at 1800 Charles Ave, legally described as Lots 8 & 9, Block 5 of Woods First Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned High Density Residential District (R4).

YOU ARE FURTHER NOTIFIED that the City Planning Commission will be conducting a hearing on this application on Monday, March 13, 2023 at 12:00 pm (noon) and the Board of Adjustment will be holding a hearing on Monday, March 20, 2023 at 6:00 pm, all meetings will be in the Council Chambers, City Hall, 612 N. Main St, Mitchell, SD. All interested parties may attend the hearings.

All interested parties may be present and be heard on said request, either in person or by agent. Please submit written comments by 5:00 P.M. the Friday prior to the meeting, in the City of Mitchell Public Works Office or Finance Office.

I/We 1801 CHARLES AVE & 1805 CHARLES AVE
OWNER

TIM & SHERYL LOES
ADDRESS

X APPROVE

 DISAPPROVE

COMMENTS:

PETITION TO VACATE PUBLIC ROAD

TO THE DAVISON COUNTY BOARD OF COMMISSIONERS AND THE DAVISON COUNTY PLANNING COMMISSION AND THE MITCHELL CITY COUNCIL AND CITY PLANNING COMMISSION OR ANY OTHER OR ADDITIONAL COMMITTEE APPOINTED TO CONSIDER THIS PETITION:

The undersigned Petitioners, TKKlingaman LLC, a South Dakota limited liability company, and Jeffrey R. DelFavero and Denise DelFavero, husband and wife, state as follows:

1. There is attached hereto as Exhibit A and by this reference incorporated herein a copy of the Original Plat of Home Park in the Northeast Quarter (NE ¼) of Section 20, Township 103 North, Range 60, West of the 5th PM, Davison County, South Dakota. On Exhibit A, a portion of the requested road and alley vacation has been highlighted for convenience.

2. There is attached hereto as Exhibit B and by this reference incorporated herein images of the real property sought to be addressed via Davison County South Dakota GIS depicting entirely the road and alley the Petitioners wish to vacate.

3. Lots One through Twelve (1-12) inclusive, Block Four (4), Original Plate of Home Park in the Northeast Quarter (NE ¼) of Section Twenty (20), Township One Hundred Three (103) North, Range Sixty (60), West of the 5th P.M., Davison County, South Dakota, is owned by Petitioners TKKlingaman LLC.

4. Lots One through Twelve (1-12) inclusive, Block Five (5), Home Park First Addition in the Northeast Quarter (NE ¼) of Section Twenty (20), Township One Hundred Three (103) North, Range Sixty (60), West of the 5th P.M., Davison County, South Dakota, is owned by Petitioners Jeffrey R. DelFavero and Denise DelFavero, husband and wife.

5. Petitioners request that dedicated road running North and South platted between Blocks Four (4) and Five (5) in the aforementioned legal descriptions be vacated. Petitioners TKKlingaman LLC and Jeffrey R. DelFavero and Denise DelFavero, husband and wife, own all of the real property adjacent to the portion of public road sought to be vacated.

6. Petitioner TKKlingaman LLC requests that the dedicated alley platted running east and west through the center of Petitioner's real property be vacated. Petitioner TKKlingaman LLC owns all of the real property adjacent to the portion of the public alley sought to be vacated.

7. The road and alley sought to be vacated are outside of the limits but within the extraterritorial zoning jurisdiction of the City of Mitchell.

8. SDCL 31-3-44 provides:

Any resolution and order of the township board of supervisors or the board of county commissioners to vacate, change, or locate a highway within a township or within a county and within the extraterritorial area of a municipality as defined in §11-6-10 shall be subject to the approval of the governing board of the municipality exercising comprehensive planning and zoning powers within such extraterritorial area. Emphasis supplied.

9. SDCL 9-45-13.1 provides:

A municipal governing body may vacate a street within its extraterritorial jurisdiction, as defined in §11-6-10, upon approval of the board of county commissioners.

10. Because the road and alley sought to be vacated are located within the extraterritorial jurisdiction of the City of Mitchell under SDCL 31-3-44, this proceeding requires action by the municipal governing body and the approval of the Board of Commissioners of Davison County, South Dakota.

11. Petitioners seek vacation of this public road pursuant to SDCL 9-45-7 which provides:

No street, alley, or public ground, or part thereof, shall be vacated by the governing body except upon the petition and consent in writing of all of the owners of the property adjoining the part of the street, alley, or public ground to be vacated. Such petition shall set forth the facts and the reasons for such vacation, accompanied by a plat of such street, alley, or public ground proposed to be vacated, and shall be verified by the oath of one or more of the petitioners, provided, in the event all the land subject to the proposed petition to vacate is located on the land of a landowner, the petition of the landowner shall be sufficient.

12. Petitioners seek to have this public road vacated because it has never been opened, improved, or used as a roadway, much less a public road. Petitioners believe that under the circumstances the public interest would best be served if the street herein referred to is vacated.

13. Petitioners are willing to contact the appropriate utility companies to confirm that no utilities have been marked in the right of way sought to be vacated.

14. SDCL 9-45-8 provides:

Upon the filing of a petition pursuant to §9-45-7, the governing body, if it deems it expedient that a matter should be proceeded with, shall order the petition to be filed with the auditor or clerk, who shall give notice by publication once each week for at least two successive weeks, to the effect that the petition has been filed and stated in brief its object and that the petition will be heard and considered by the governing body, or a committee appointed by the governing body for that purpose, on a day specified not less than ten days from the last publication of the notice.

Petitioners respectfully request that the Mitchell City Council and the Davison County Board of Commissioners, upon proper notice and after hearing, vacate the road described above as requested by the Petitioners herein.

Dated this 13 day of February, 2023.

TKKlingaman LLC


Klevé Klingaman, Member

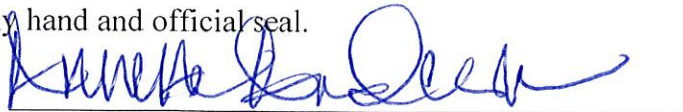
STATE OF SOUTH DAKOTA

SS

COUNTY OF DAVISON

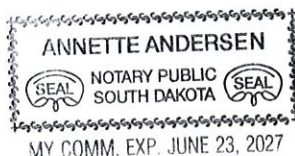
On this the 13th day of February, 2023, before me, the undersigned officer, personally appeared Klevé Klingaman who acknowledged himself to be a member of TKKlingaman LLC, a South Dakota limited liability company, and that he as such member being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the company himself as a member.

In Witness Whereof I hereunto set my hand and official seal.



Notary Public

My Commission Expires:



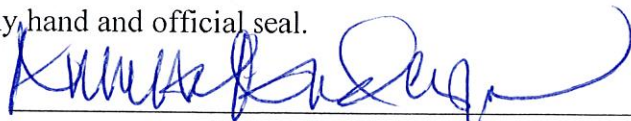

Jeffrey R. DelFavero


Denise DelFavero

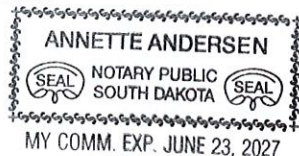
STATE OF SOUTH DAKOTA
SS
COUNTY OF DAVISON

On this the 13th day of February, 2023, before me, the undersigned officer, personally appeared Jeffrey R. DelFavero and Denise DelFavero, husband and wife, known to me or satisfactorily proven to be the persons described in the foregoing instrument and acknowledged that they executed the same in the capacity therein stated and for the purposes therein contained.

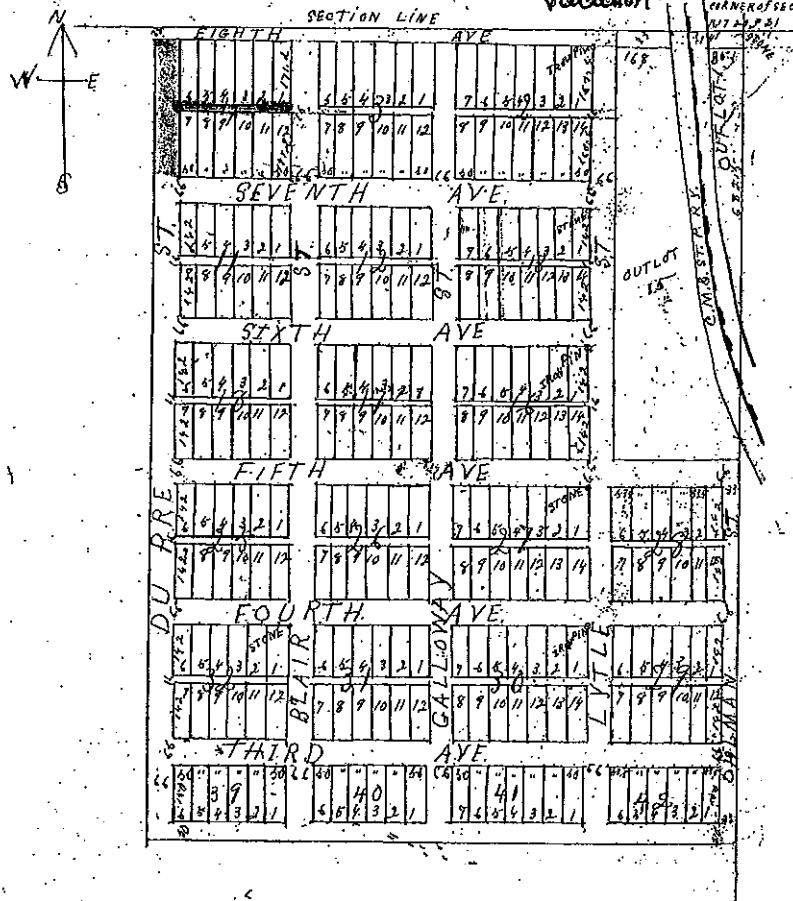
In Witness Whereof I hereunto set my hand and official seal.


Notary Public

My Commission Expires:



See MR 10-30 Vac. of ROW

HOME PARK.
SEC. 20-TWP. 103 N. R. 60 W.See Plat Book 15 Page 47.
Vacation

Dedication

Know all men by these presents that I Martin O. Ohlman and Emilee Ohlman, his wife, of the County of Jackson and State of South Dakota being the owners of all that part of the north east quarter of Sec 20, Twp. 103 N. of Range 60 W. of the 5th P.M. situated in Davison County, South Dakota which is contained in the accompanying plat and was particularly described as follows: Beginning at the north east corner of said quarter section thence west on the section line 1467.8 feet thence south 2126.6 feet thence east 1068 feet to the section line thence north on the section line 2099 feet to the place of beginning Excepting therefrom the Right of way of the Milwaukee and St. Paul Ry Co; and have caused said real estate so platted to be laid out and known as Home Park.

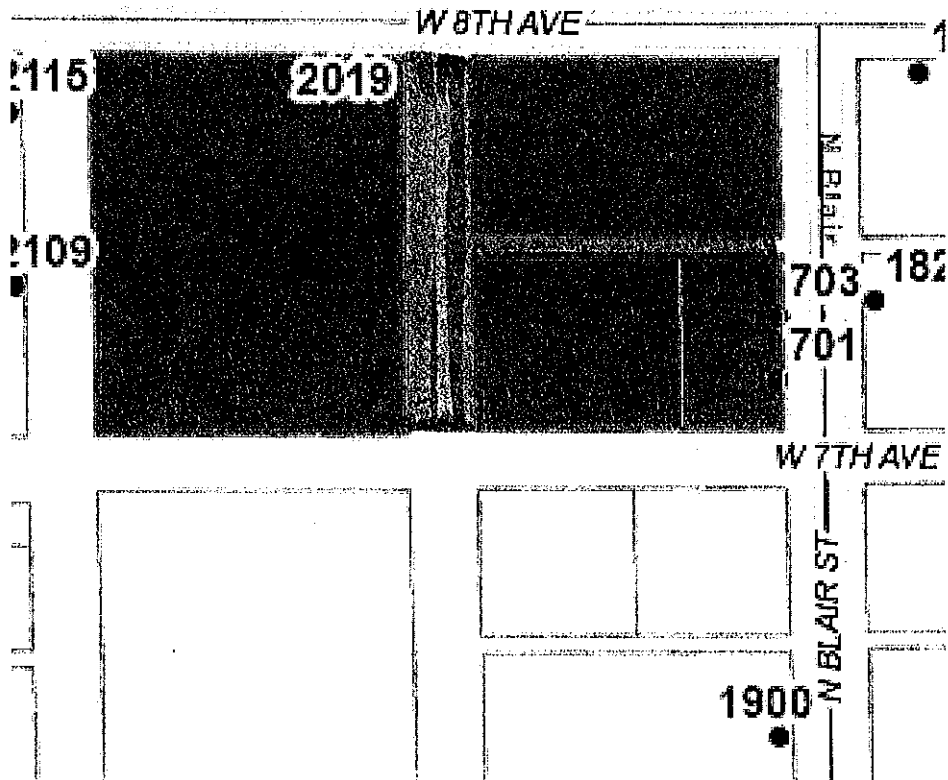
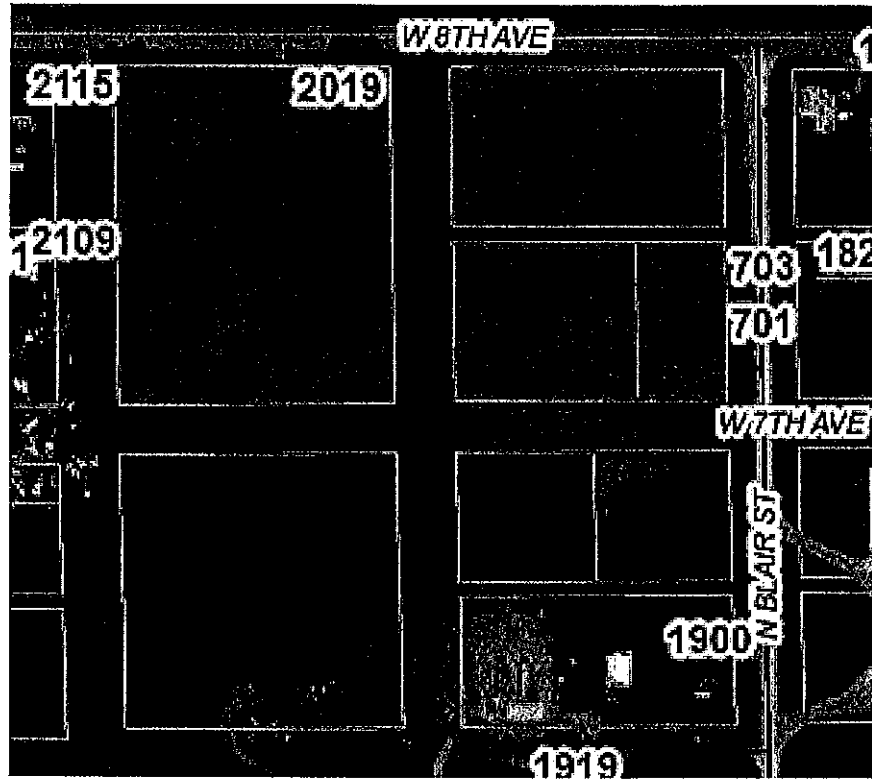
That I have caused said land to be surveyed and platted and divided into lots blocks outlots, streets and alleys as shown by the said plat and that disposition of the same is made with my own free will. That the land shown on said plat and therein designated as streets and alleys I hereby dedicate to the public to be used as public streets and alleys.

That no part of said premises so platted forms the homestead as created and defined by law.

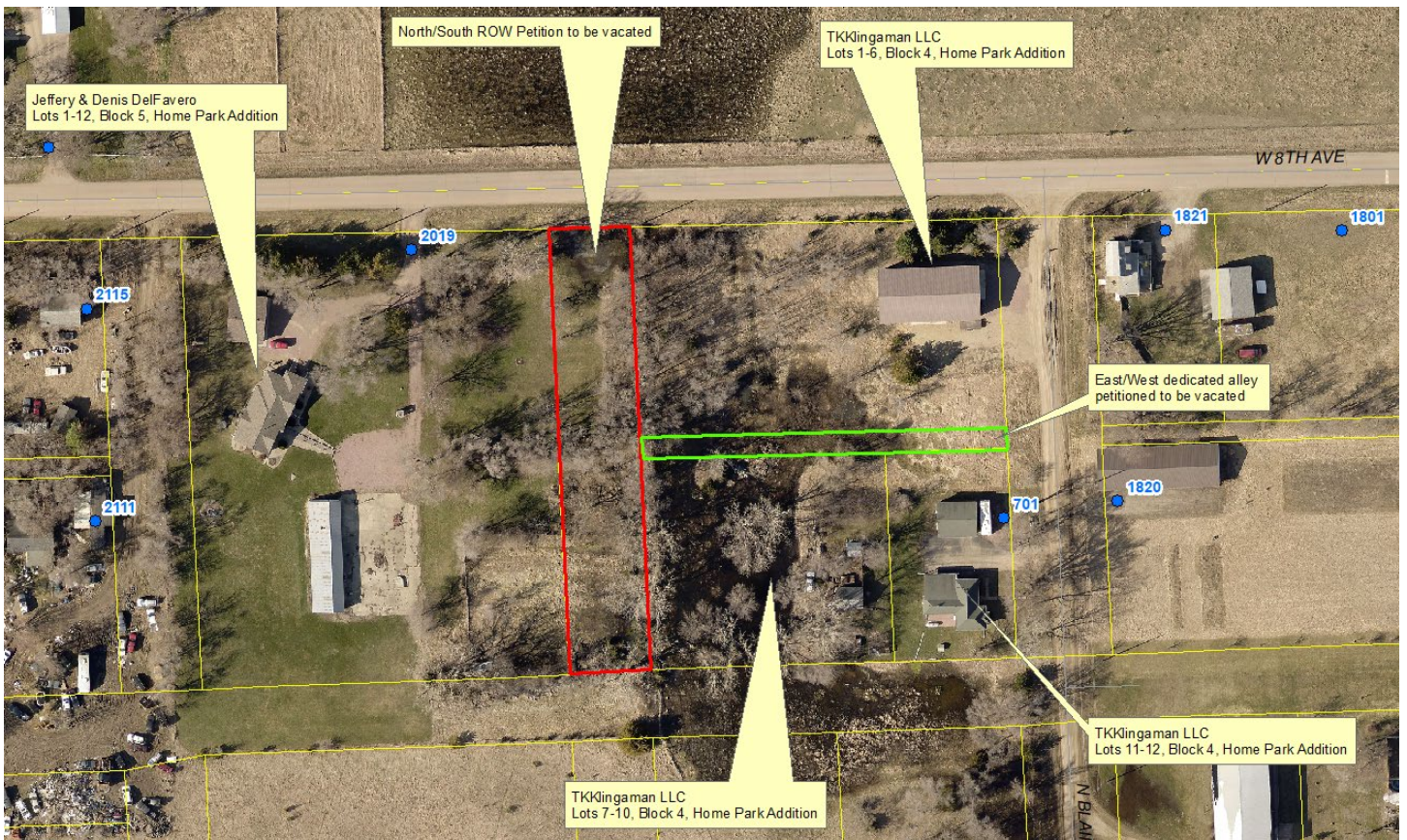
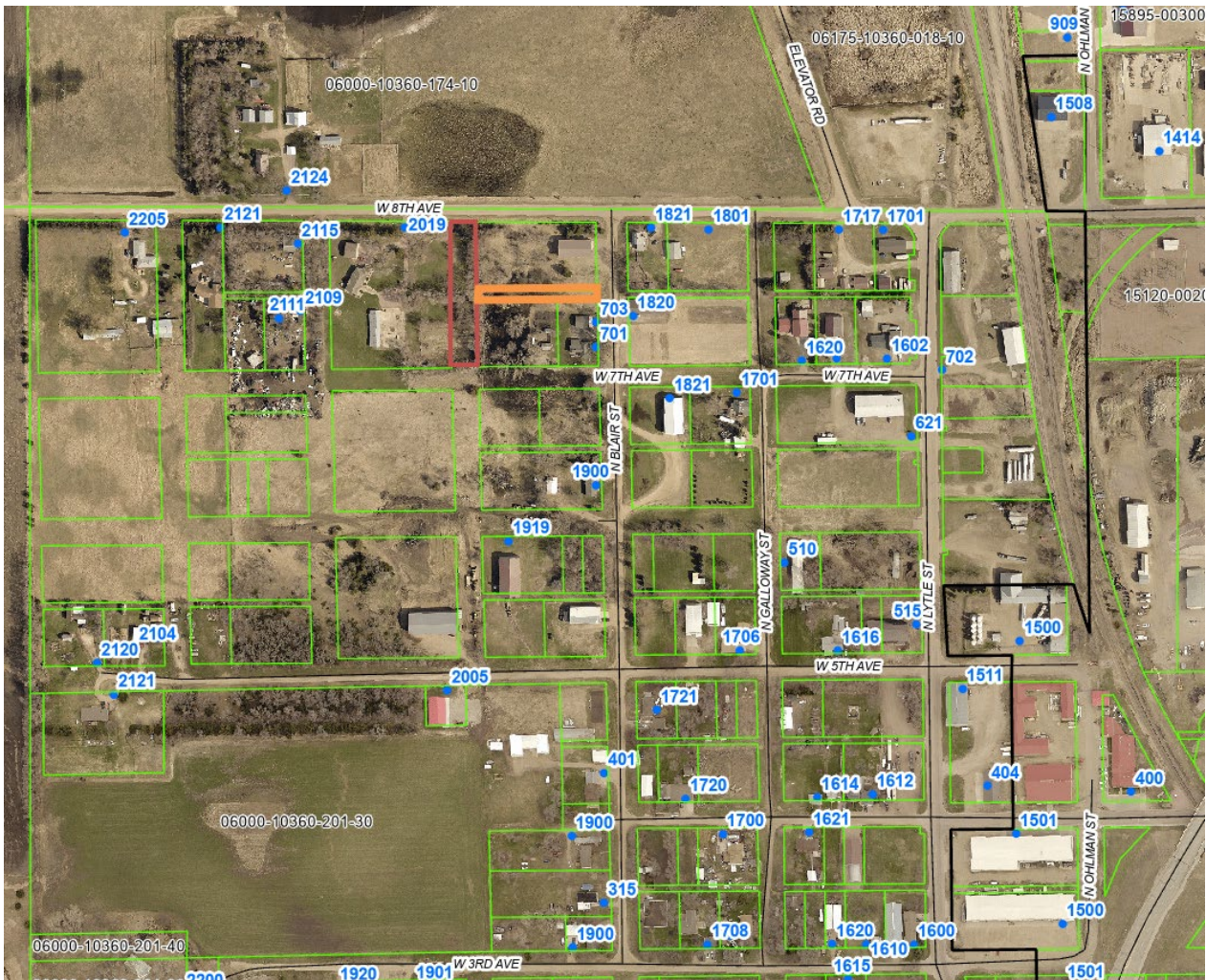
Dated this 30th day of April 1907

Martin O. Ohlman

Emilee Ohlman



 Area to be vacated.



NOTICE OF HEARING

TO: The City of Mitchell Planning Commission, City Council of the City of Mitchell, Mitchell South Dakota, and to the general public:

YOU ARE HEREBY NOTIFIED that TKKlingamna LLC, a South Dakota limited liability company, and Jeffrey R. DelFavero and Denise DelFavero, husband and wife, have petitioned the City Council of the City of Mitchell, Davison County, South Dakota to vacate the following:

Petitioners request that the dedicated road running North and South platted between Blocks Four (4) and Five (5), Original Plat of Home Park in the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty (20), Township One Hundred Three (103) North, Range Sixty (60) West of the 5th P.M., Davison County, South Dakota be vacated. Petitioners TKKlingaman LLC and Jefferey R. DelFavero and Denise DelFavero, husband and wife, own all of the real property adjacent to the portion of the public road sought to be vacated.

Petitioner TKKlingaman LLC request that the dedicated alley platted running East and West through the center of Lots One through Twelve (1-12) inclusive, Block Four (4), Original Plat of Home Park in the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty (20), Township One Hundred Three (103) North, Range Sixty (60) West of the 5th P.M., Davison County, South Dakota. Petitioner TKKlingaman LLC owns all of the real property adjacent to the portion of the public alley sought to be vacated.

The petitioners are the sole owners of the real property abutting the aforementioned road and alley, as they own the following real property;

Lots One through Twelve (1-12) inclusive, Block Four (4), Original Plat of Home Park in the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty (20), Township One Hundred Three (103) North, Range Sixty (60) West of the 5th P.M., Davison County, South Dakota is owned by Petitioners TKKlingaman LLC.

Lots One through Twelve (1-12) inclusive, Block Five (5), Original Plat of Home Park in the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty (20), Township One Hundred Three (103) North, Range Sixty (60) West of the 5th P.M., Davison County, South Dakota, is owned by Jefferey R. DelFavero and Denise DelFavero, husband and wife.

Such property is located west of the City of Mitchell and outside of the city limits but is within its extraterritorial jurisdiction as defined by SDCL 11-6-10, all as more particularly set forth on the original plat and survey, true copies of which are attached to the Petition on file with the City Finance Officer.

You are hereby notified that a discussion and recommendation will be held by the Planning Commission on Monday, March 13, 2023, 12:00 P.M. (noon) in the City Council Chambers, City Hall, 612 N. Main St, Mitchell, SD and the public hearing by the City Council on March 20, 2023 at 6:00 P.M., in the City Council Chambers, City Hall, 612 N. Main St, Mitchell, SD to consider the petition and resolution vacating the said road and alley. All interested parties may attend and be heard at the public hearing.

Pursuant to SDCL 31-3-44 this matter will also require action by the Davison County Commission and such action will be separately scheduled and noted on the agenda of such body.

Dated this the 22nd day of February, 2023

Michelle Bathke
Finance Officer

Published twice: March 1 and 8, 2023
Approximate Cost:

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN to the general public and all interested parties that the City of Mitchell Planning Commission, County of Davison, State of South Dakota, is proposing a Comprehensive Plan be adopted by the Mitchell City Council.

The City of Mitchell Planning Commission will hold a public hearing, take testimony and act upon the proposed Comprehensive Plan on Monday, March 13, 2023 at 12:00 P.M., (noon) in the City Hall Council Chambers at 612 North Main Street, Mitchell, South Dakota. Following such hearing the matter will be heard and acted upon by the Mitchell City Council at a date yet to be determined in the City Hall Council Chambers.

The complete proposed Comprehensive Plan referred to above is on file with the City of Mitchell Public Works and may be inspected, reviewed, or examined by any interested party by contacting Mark Jenniges, City Planner at (605) 995-8433.

Written comments may be submitted to the City of Mitchell Public Works or Finance Office by 10:00 A.M. on March 10, 2023.

Dated this 22nd day of February, 2023.

Michelle Bathke
Finance Officer

Published twice: March 1 and 8, 2023

Approximate publication cost: _____

**CITY OF MITCHELL, SD
PLANNING COMMISSION
COMPREHENSIVE PLAN
RESOLUTION OF RECOMMENDATION OF ADOPTION**

WHEREAS, The Mitchell Planning Commission has developed and proposes the adoption of a Comprehensive Development Plan; and

WHEREAS, The City of Mitchell is required by South Dakota Codified Law to adopt a Comprehensive Plan prior to amending or adopting a zoning ordinance; and

WHEREAS, The Mitchell Planning Commission has held the required public hearing on March 13, 2023 pursuant to SDCL 11-6-17 and will provide the City Attorney with a copy of the document for review; and

WHEREAS, The proposed plan will enable the Planning Commission and the Mitchell City Council to guide the future land use in and around the City of Mitchell and allow for the enforcement and amendment of other land use regulations;

NOW THEREFORE, BE IT RESOLVED, that the Mitchell City Planning Commission hereby recommends adoption of the City of Mitchell Comprehensive Plan with suggested changes pursuant to SDCL 11-6-14 & 11-6-16 and calls for the City Council to act upon the same.

Dated this _____ day of _____, 2023.

Chair, Mitchell Planning Commission

Attest