



**Planning Commission Meeting Agenda**  
City Council Chambers, City Hall, 612 N. Main Street  
March 27, 2023

- 1. 12:00 PM Call to Order**
- 2. Roll Call**
- 3. Declaration Of Conflicts Of Interests**
- 4. Approve Agenda**
- 5. Approval of Previous Minutes: March 13, 2023**
- 6. Schedule Next Meeting: April 10, 2023**
- 7. Plan Approval: Krohmer Plumbing-1900 N Main St, zoned Highway Business District**
- 8. Plat: Canal Tract 1, a subdivision of the SE 1/4 of Section 31, T 104 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota**
- 9. Recommendation on Alley Vacation**  
Mitchell School District No. 17-2, Rodney & Barbara Schurz, William & Pam Wittstruck and Linus Mayer have petitioned to vacate the alley right of way in the 1001 block of S Kimbal St.
- 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  
March 13, 2023

**1. Call to Order**

Chairperson Larson called the March 13, 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 (12:02), Sonne.

Absent:

Staff Present: Jenniges, J Johnson, Schroeder.

**3. Declaration Of Conflicts Of Interests**

None.

**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 – absent, Sonne – aye. 6 aye, 0 nay, 1 absent; motion carried.

**5. Approve Previous Minutes-February 27, 2023**

Motion by Osterloo, 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 – absent, Sonne – aye. 6 aye, 0 nay, 1 absent; motion carried.

Schmitz joined the meeting at 12:02.

**6. Schedule Next Meeting-March 27, 2023 @ 12:00 P.M.**

Motion by Genzlinger, seconded by Osterloo to set the date for the next Planning Commission meeting for March 27, 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. 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).

Jenniges explained that notices were sent to the neighbors and it was published in the official newspaper with one response in favor of the variance that made the packet and two in favor that did not make the packet, but there were no comments attached. The applicant was present to answer questions.

The applicant would like to build a new shed that will put him over 2,000 square feet. Jenniges showed the plans and stated the applicant said he would use the same materials to match his house. There is a shed directly across the street from this one.

Motion by Schmitz, seconded by Osterloo to recommend approval of the variance. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – aye, Schmitz – aye, Sonne – aye. 7 aye, 0 nay; motion carried.

## **8. Recommendation on Road Vacation**

TKKlingaman LLC, a South Dakota limited liability company, owner of Lots One through Twelve (1-12) inclusive, Block Four (4), Original Plat 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 5<sup>th</sup> P.M., Davison County, South Dakota and Jeffrey R. DelFavero and Denise DelFavero, husband and wife, owner of Lots One through Twelve (1-12) inclusive, Block Five (5), Original Plat 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 5<sup>th</sup> P.M., Davison County, South Dakota respectfully in due and proper for, are requesting the Governing Body of the City of Mitchell to vacate the street and ally right-of way described as set forth below pursuant to the statues in such cases made, and provided, particularly SDCL 9-45-7, et. Sep and petitioners respectfully show and represent the following:

That portion of dedicated street running north and south is platted between Blocks Four (4) and Five (5), Original Plat 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 5<sup>th</sup> P.M., Davison County, South Dakota and,

That portion 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 ¼) of Section Twenty (20), Township One Hundred Three (103) North, Range Sixty (60) West of the 5<sup>th</sup> P.M., Davison County, South Dakota.

Jenniges explained that the City Planning Commission has no codified authority in the petition for vacating roads, but it has been the city's practice to have the City Planning Commission give their recommendation to City Council. He gave an overview of the GIS location of the right of ways being petitioned to be vacated. The applicant was present to answer questions.

Kleeve Klingaman representing the applicants stated the reason they petitioned to have the right of ways vacated is so they could clean up the fallen trees and obnoxious weeds. They have been undeveloped since he has known them and believes them to never get developed in the future.

Osterloo noted that the next item on the agenda is the Comprehensive Plan and it shows development to the west of town. Jenniges noted the plan is not set in stone and the idea of the development was more on the north side of 8th Ave.

Schmitz questioned the likelihood of them ever getting developed. It was noted that if it were to get annexed into the city, it would be an assessment project to the abutting land owners.

Schoered stated within city limits it is the responsibility of the citizens to keep their right of way cleaned up. Jenniges noted that county right of way is supposed to stay clear of trees and structures and that the county does go around and clean some ditches of trees.

Motion by Schmitz to approve both the road right of way and alley right of way vacation. Motion died for a lack of second.

Motion by Jirsa, seconded by Sonne to recommend approval of the vacation of the east/west alley right of way but deny the vacation of the north/south street right of way; . Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – aye, Schmitz – aye, Sonne – aye. 7 aye, 0 nay, 0 absent; motion carried.

**9. Public hearing for the recommendation to the City Council for the Resolution of Adoption on the City of Mitchell/Davison County Comprehensive Plan.**

Jenniges gave a history and a brief description of the Comprehensive Plan.

Eric Ambrosen of District III gave a presentation on the Comprehensive Plan and the steps to move forward for adoption of the plan.

Motion by Genzlinger, seconded by Schmitz to approve a resolution making a recommendation to council to approve the Comprehensive Plan. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – aye, Schmitz – aye, Sonne – aye. 7 aye, 0 nay; motion carried.

**10. Other Business:**

None.

**11. Public Input:**

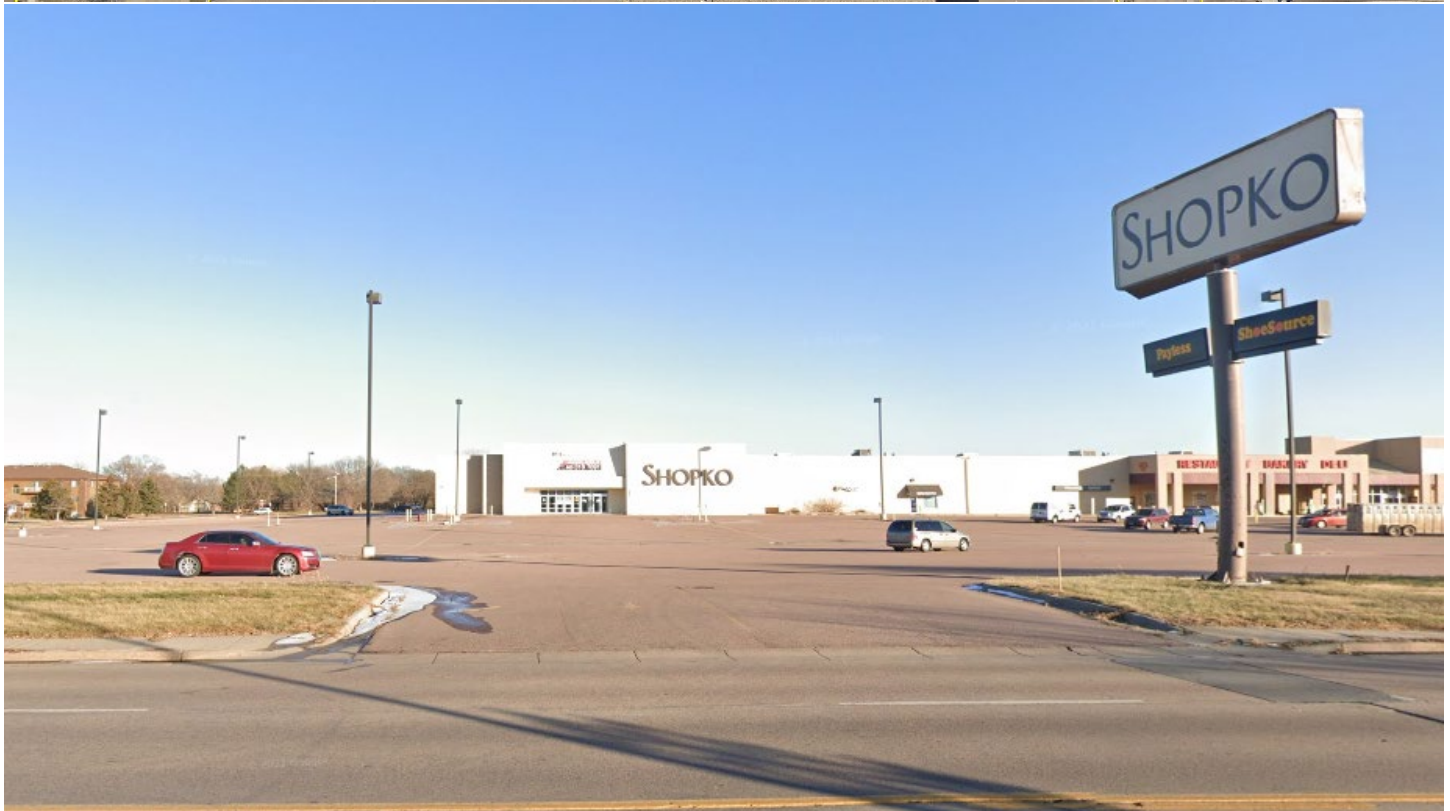
None.

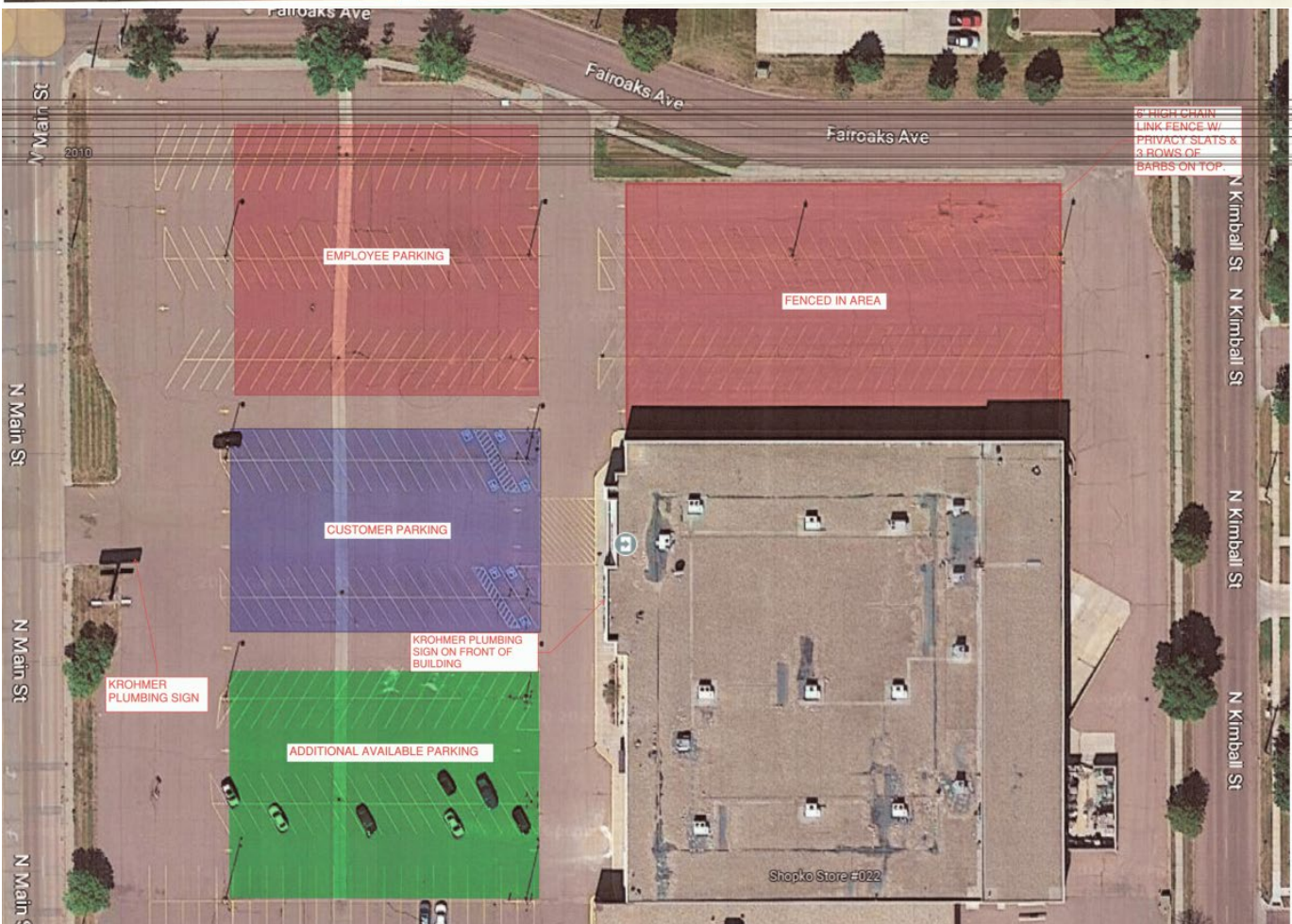
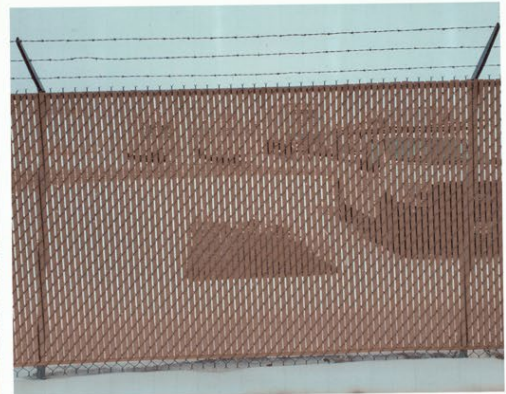
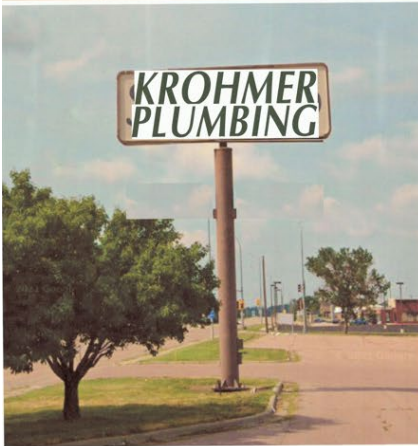
**12. Adjourn**

Chairperson Larson adjourned the meeting at 12:41 P.M.

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Jay A. Larson  
Planning Commission Chairperson







1 Inch = 200 Feet

NOTE: PREVIOUSLY PLATTED LOTS ARE LABELED (PLATTED) FUTURE PROPOSED LOTS ARE NOT LABELED.

LEGEND

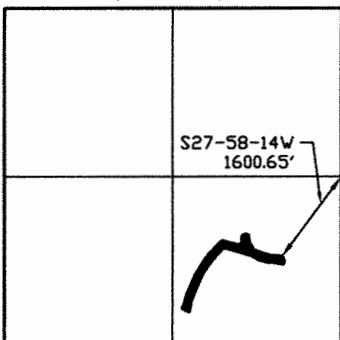
- = FOUND IRON MONUMENT
- = SET 5/8" X 18" REBAR WITH PLASTIC CAP NO. 6702
- 100' (P) = PLATTED BEARING OR DISTANCE
- 100' = MEASURED BEARING OR DISTANCE
- = SET NAIL
- ▲ = SET SURVEY SPIKE
- 4.00 CH (P) = PLATTED DISTANCE IN CHAINS
- = FOUND NAIL
- ◇ = SET 3/8" X 12" SPIKE W/WASHER PJR-6702
- WM = WITNESS MONUMENT

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

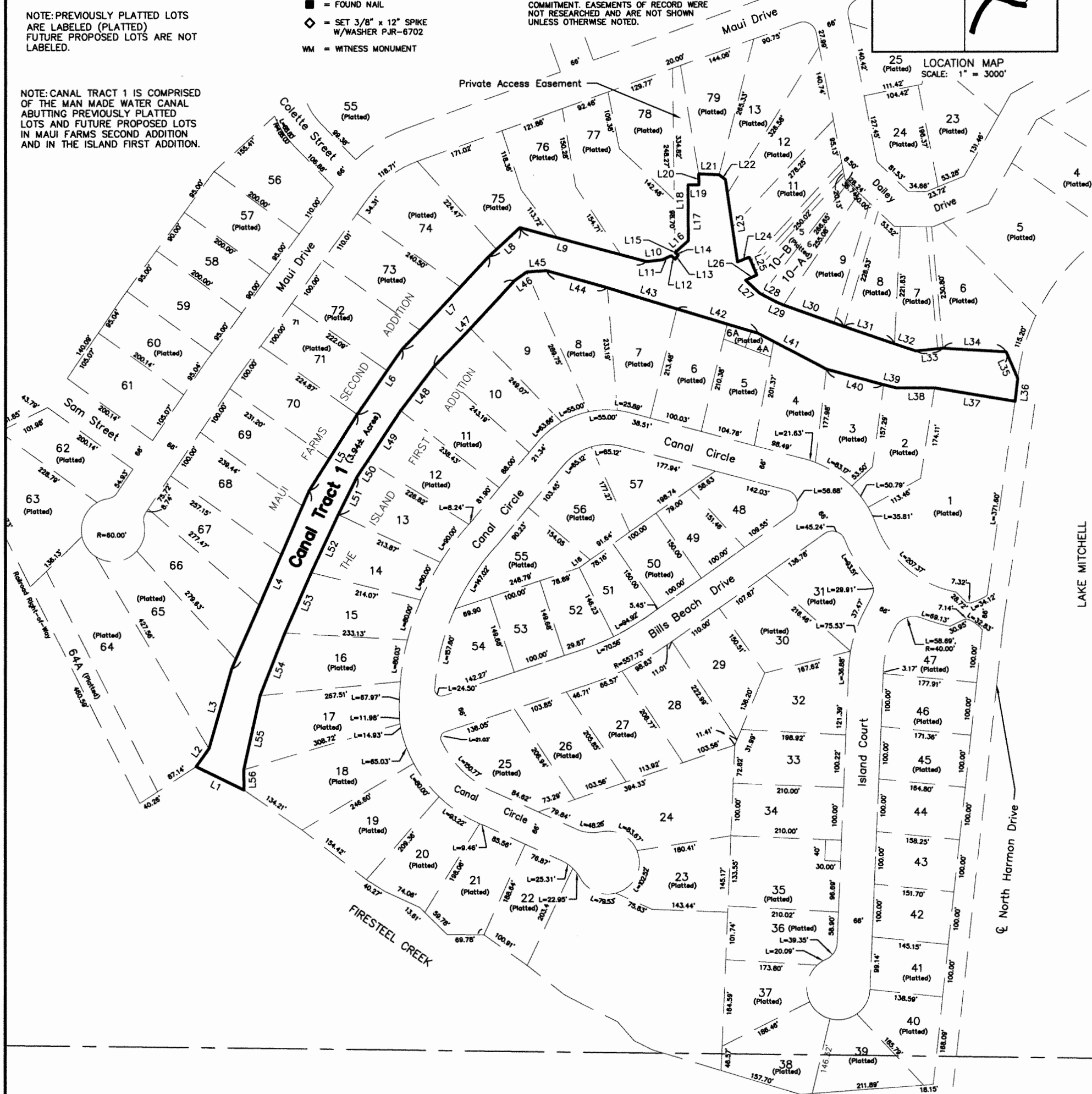
COORDINATE SYSTEM IS SOUTH DAKOTA SOUTH ZONE,  
STATE PLANE - NORTH AMERICAN  
DATUM 1983 - GEOID 12B.  
GRID BEARINGS AND GRID DISTANCES ARE SHOWN.

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.

SEC. 31, T 104 N, R 60 W



NOTE: CANAL TRACT 1 IS COMPRISED OF THE MAN MADE WATER CANAL ABUTTING PREVIOUSLY PLATTED LOTS AND FUTURE PROPOSED LOTS IN MAUI FARMS SECOND ADDITION AND IN THE ISLAND FIRST ADDITION.



A PLAT OF CANAL TRACT 1, A SUBDIVISION OF THE SE 1/4 OF SECTION 31, T 104 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 Maui Farms Inc., a South Dakota corporation, as owner, and under its direction for purposes indicated therein, I did on or prior to March 20, 2023, survey those parcels of land described as follows: CANAL TRACT 1, A SUBDIVISION OF THE SE 1/4 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

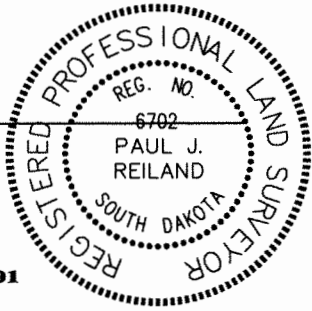
In my professional opinion and to the best of my knowledge, information and belief, the within and foregoing plat is true and correct.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Registered Land Surveyor #SD6702

SPN

**& Associates**  
Engineers, Planners and Surveyors  
2100 North Sanborn Blvd. - P.O. Box 398 Mitchell, South Dakota 57301  
Phone: (605) 996-7761 Fax: (605) 996-0015



| Line Table |               |         |
|------------|---------------|---------|
| Line #     | Direction     | Length  |
| L52        | S 25°06'57" W | 120.71' |
| L53        | S 23°37'46" W | 125.08' |
| L54        | S 21°37'01" W | 127.31' |
| L55        | S 12°19'17" W | 143.81' |
| L56        | S 00°23'52" E | 38.74'  |

## 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 \_\_\_\_\_, 2023.

Chairperson/Vice-Chairperson of the City of Mitchell  
Planning Commission

The undersigned does hereby certify that the foregoing resolution was passed by the City of Mitchell, South Dakota, at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Finance Officer/Deputy Finance Officer of the City of Mitchell

The undersigned does hereby certify that all taxes which would, if not paid, be liens upon any of the land included in the within and foregoing plat, as shown by the records of this office, have been fully paid.

Treasurer/Deputy Treasurer of Davison County

Date \_\_\_\_\_

The undersigned does hereby certify that a copy of the plat of CANAL TRACT 1, A SUBDIVISION OF THE SE 1/4 OF SECTION 31, T 104 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, has been received by me and is filed in this office.

\_\_\_\_\_  
Director of Equalization/Deputy Director of Equalization of Davison County

Date \_\_\_\_\_

STATE OF SOUTH DAKOTA) )SS  
COUNTY OF DAVISON)

FILED for record this            day of            , 2023, at            , and recorded in Book            of Plats on Page           

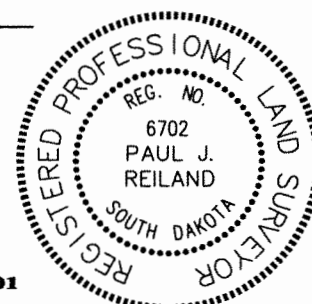
therein and recorded on Microfilm Number

Register of Deeds, Davison County

By \_\_\_\_\_ Deputy



**& 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





PETITION TO VACATE THE  
NORTH-SOUTH ALLEY IN SQUARE 8,  
WEAVER'S SQUARES ADDITION TO  
MITCHELL, DAVISON COUNTY, SOUTH DAKOTA

TO THE CITY COUNCIL OF THE CITY OF MITCHELL, SOUTH DAKOTA:

The undersigned, Mitchell School District No. 17-2, being the record owner of:

Lot X, a Subdivision of Square Eight (8), Weaver's Squares Addition to the  
City of Mitchell, Davison County, South Dakota,

does hereby consent in writing and petition the City Council to vacate the 16 foot alley running  
north and south in the aforesaid Square 8 as shown by Exhibit A hereto attached, which runs  
between Lot X on the west side thereof and Lots 1 through 6 on the east.

Dated this 1<sup>st</sup> day of March, 2023.

MITCHELL SCHOOL DISTRICT NO. 17-2

By Debra A. Olson  
Its President

STATE OF SOUTH DAKOTA )  
: SS  
COUNTY OF DAVISON )

On this 1<sup>st</sup> day of March, 2023, the undersigned, a Notary Public, within and for  
the State of South Dakota and County aforesaid, personally appeared Debra A. Olson, known to  
be the person who executed the foregoing Petition to Vacate Alley, and acknowledged to me that  
she executed the same.

WITNESS MY HAND AND SEAL this 1<sup>st</sup> day of March, 2023.

My Comm. Expires: 11-8-2027  
(SEAL)

Mary Freeman  
Notary Public, South Dakota

PETITION TO VACATE THE  
NORTH-SOUTH ALLEY IN SQUARE 8,  
WEAVER'S SQUARES ADDITION TO  
MITCHELL, DAVISON COUNTY, SOUTH DAKOTA

TO THE CITY COUNCIL OF THE CITY OF MITCHELL, SOUTH DAKOTA:

The undersigned, Rodney C. Schurz and Barbara L. Schurz, husband and wife, being the record owners of:

Lots Five (5) and Six (6), Subdivision of Square Eight (8), Weaver's Squares  
Addition to the City of Mitchell, Davison County, South Dakota,

do hereby consent in writing and petition the City Council to vacate the 16 foot alley running north and south in the aforesaid Square 8 as shown by Exhibit A hereto attached, which runs between Lot X on the west side thereof and Lots 1 through 6 on the east.

Dated this 10<sup>th</sup> day of February, 2023.

Rodney C. Schurz  
Rodney C. Schurz

Barbara L. Schurz  
Barbara L. Schurz

STATE OF SOUTH DAKOTA )  
: SS  
COUNTY OF DAVISON )

On this 10<sup>th</sup> day of February, 2023, the undersigned, a Notary Public, within and for the State of South Dakota and County aforesaid, personally appeared Rodney C. Schurz and Barbara L. Schurz, husband and wife, known to be the persons who executed the foregoing Petition to Vacate Alley, and acknowledged to me that they executed the same.

WITNESS MY HAND AND SEAL this 10<sup>th</sup> day of February, 2023.

My Comm. Expires: 11-8-2027 Mary Freeman  
(SEAL) Notary Public, South Dakota

PETITION TO VACATE THE  
NORTH-SOUTH ALLEY IN SQUARE 8,  
WEAVER'S SQUARES ADDITION TO  
MITCHELL, DAVISON COUNTY, SOUTH DAKOTA

TO THE CITY COUNCIL OF THE CITY OF MITCHELL, SOUTH DAKOTA:

The undersigned, William Wittstruck and Pam Wittstruck, husband and wife, being the record owners of:

Lots Three (3) and Four (4), Subdivision of Square Eight (8), Weaver's Squares  
Addition to the City of Mitchell, Davison County, South Dakota,

do hereby consent in writing and petition the City Council to vacate the 16 foot alley running north and south in the aforesaid Square 8 as shown by Exhibit A hereto attached, which runs between Lot X on the west side thereof and Lots 1 through 6 on the east.

Dated this 10<sup>th</sup> day of February, 2023.

William Wittstruck  
William Wittstruck

Pam Wittstruck  
Pam Wittstruck

STATE OF SOUTH DAKOTA )  
: SS  
COUNTY OF DAVISON )

On this 10<sup>th</sup> day of February, 2023, the undersigned, a Notary Public, within and for the State of South Dakota and County aforesaid, personally appeared William Wittstruck and Pam Wittstruck, husband and wife, known to be the persons who executed the foregoing Petition to Vacate Alley, and acknowledged to me that they executed the same.

WITNESS MY HAND AND SEAL this 10<sup>th</sup> day of February, 2023.

My Comm. Expires: 11-8-2027  
(SEAL)

Mary Freeman  
Notary Public, South Dakota

PETITION TO VACATE THE  
NORTH-SOUTH ALLEY IN SQUARE 8,  
WEAVER'S SQUARES ADDITION TO  
MITCHELL, DAVISON COUNTY, SOUTH DAKOTA

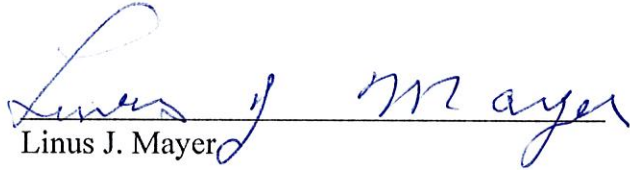
TO THE CITY COUNCIL OF THE CITY OF MITCHELL, SOUTH DAKOTA:

The undersigned, Linus J. Mayer, a single person, being the record owner of:

Lots One (1) and Two (2), Subdivision of Square Eight (8), Weaver's Squares  
Addition to the City of Mitchell, Davison County, South Dakota,

does hereby consent in writing and petition the City Council to vacate the 16 foot alley running  
north and south in the aforesaid Square 8 as shown by Exhibit A hereto attached, which runs  
between Lot X on the west side thereof and Lots 1 through 6 on the east.

Dated this 10 day of February, 2023.

  
Linus J. Mayer

STATE OF SOUTH DAKOTA )  
: SS  
COUNTY OF DAVISON )

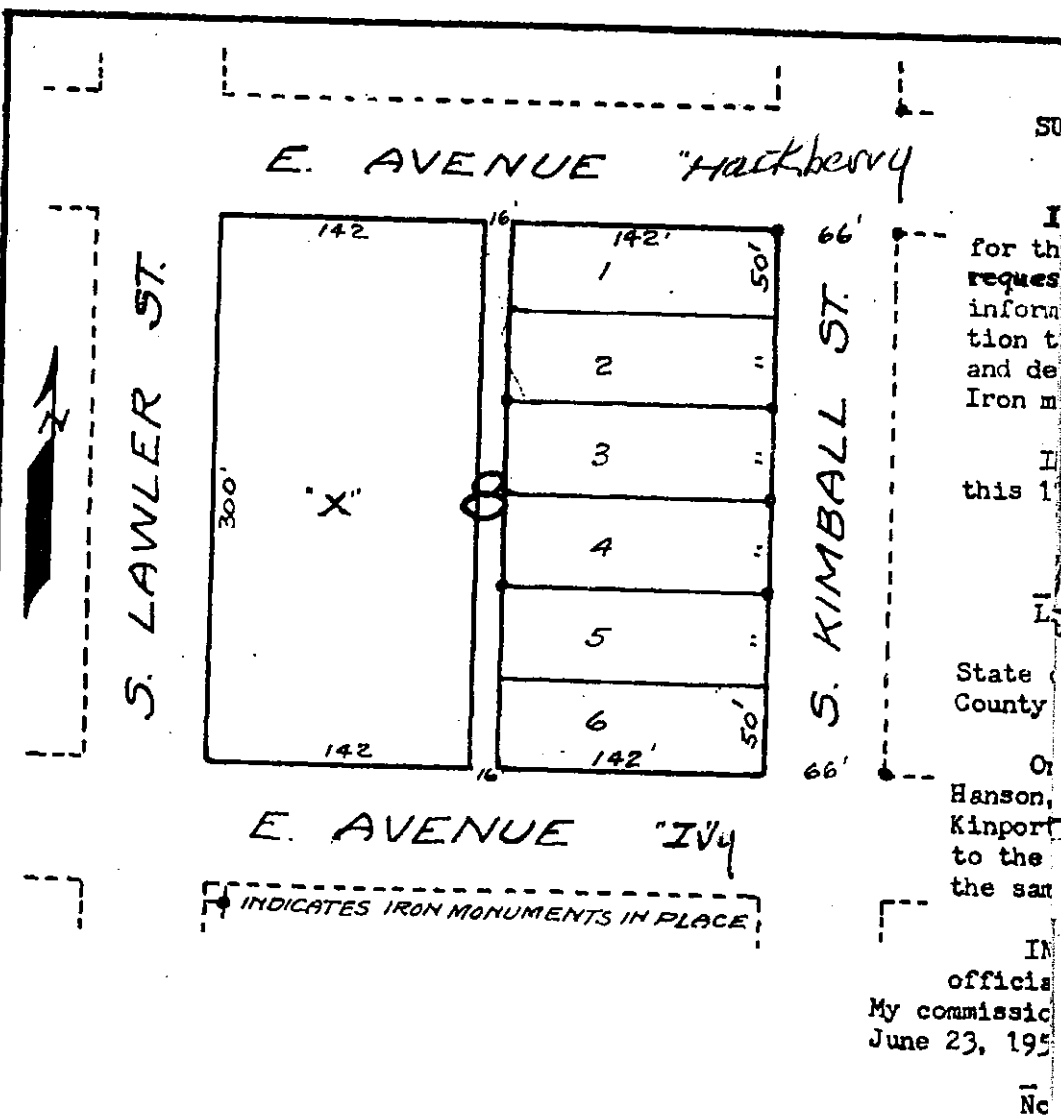
On this 10<sup>th</sup> day of February, 2023, the undersigned, a Notary Public, within and for  
the State of South Dakota and County aforesaid, personally appeared Linus J. Mayer, a single  
person, known to be the person who executed the foregoing Petition to Vacate Alley, and  
acknowledged to me that he executed the same.

WITNESS MY HAND AND SEAL this 10<sup>th</sup> day of February, 2023.

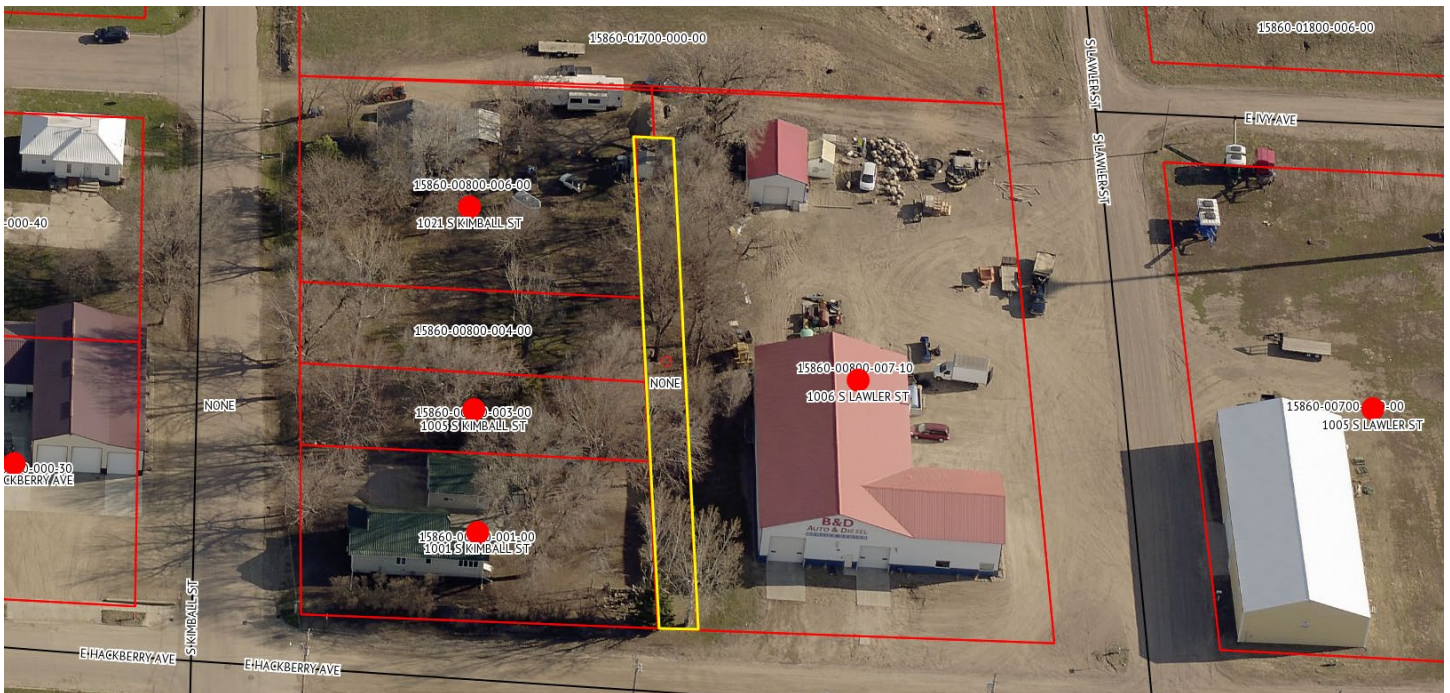
My Comm. Expires:  
(SEAL)

11-8-2027  
  
Notary Public, South Dakota

EXHIBIT A



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 June 23, 195  
  
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## 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 Mitchell School District No. 17-2, Rodney C. Schurz and Barbara L. Schurz, husband and wife, William Wittstruck and Pam Wittstruck, husband and wife, and Linus J. Mayer, a single person, have petitioned the City Council of the City of Mitchell, Davison County, South Dakota to vacate the following:

Petitioners request to vacate the 16 foot alley running north and south in Subdivision of Square Eight (8), Weaver's Squares Addition, City of Mitchell, Davison County, South Dakota, which runs between Lot X on the west side thereof and Lots 1 through 6 on the east.

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

Lot X, a Subdivision of Square Eight (8), Weaver's Square Addition to the City of Mitchell, Davison County, South Dakota is owned by Petitioners Mitchell School District No. 17-2.

Lots Five (5) and Six (6), a Subdivision of Square Eight (8), Weaver's Square Addition to the City of Mitchell, Davison County, South Dakota is owned by Petitioners Rodney C. Schurz and Barbara L. Schurz, husband and wife.

Lots Three (3) and Four (4), a Subdivision of Square Eight (8), Weaver's Square Addition to the City of Mitchell, Davison County, South Dakota is owned by Petitioners William Wittstruck and Pam Wittstruck, husband and wife.

Lots One (1) and Two (2), a Subdivision of Square Eight (8), Weaver's Square Addition to the City of Mitchell, Davison County, South Dakota is owned by Petitioners Linus J. Mayer, a single person.

You are hereby notified that a discussion and recommendation will be held by the Planning Commission on Monday, March 27, 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 April 3, 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 alley. All interested parties may attend and be heard at the public hearing.

Dated this the 9<sup>th</sup> day of March, 2023

Michelle Bathke  
Finance Officer

Published twice: March 15 and 22, 2023  
Approximate Cost: