

Planning Commission Minutes
City Council Chambers, City Hall, 612 N. Main Street
April 24, 2023

1. Call to Order

Chairperson Larson called the April 24, 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, Schmitz, Sonne.

Absent: None.

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

3. Declaration Of Conflicts Of Interests

Jirsa item #7.

4. Approve Agenda

Motion by Schmitz, seconded by Genzlinger 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. Approval of Previous Minutes: April 10, 2023

Motion by Penney, seconded by Osterloo to approve the proposed minutes of the April 10, 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: May 8, 2023

Motion by Osterloo, seconded by Penney to set the date for the next Planning Commission meeting for May 8, 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. Plan Approval: Agronomy Plus LLC, 2450 W Havens, zoned Highway Business

Jenniges explained the applicant would like to build a new 64' x 136' Chemical Storage Building. Jenniges showed the location of the proposed building. The applicant was present to answer any questions.

Hegg noted that since the building is over 50' wide it will require a stamped structural plan prior to issuing a building permit which the applicant is already aware of.

Motion by Genzlinger, seconded by Penney to approve the plan. Roll call vote: Genzlinger – aye, Jirsa – abstain, Larson – aye, Osterloo – aye, Penney – aye, Schmitz – aye, Sonne – aye. 6 aye, 0 nay, 1 abstain; motion carried.

8. Plan Approval: Plains Commerce Bank, 900 S Burr St, zoned Highway Business

Jenniges explained the plat for this was approved in January of 2022. The applicants tore down some buildings in preparation for building the new bank. Public Works has reviewed the plan and will work through some small issues through the building permit process. The applicant was present to answer questions.

Motion by Schmitz, seconded by Genzlinger to approve the plan. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – aye, Schmitz – aye, Sonne – aye. 7

aye, 0 nay; motion carried.

9. Conditional Use Permit: Erika Hennessey

Erika Hennessey has applied for a conditional use permit to operate a Childcare, preschool and nursery, located at 1325 Palmer Place, legally described as Lot 5 and West 3' of Lot 4, Block 8, Gardenvue Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R2 Single Family Residential District.

Jenniges explained that notices were sent out to neighbors, sign posted and it was published in the official newspaper with one response in favor and one against. The applicant was granted a conditional use permit for a Family Residential Childcare Center in May of 2021.

The applicant has since moved to the house next door but would like to continue the daycare at 1325 Palmer Place. Per the city ordinance which they were approved before required them to live in the residence of the childcare center, the new application allows them not to live on premises. The applicant was not present to answer questions.

Motion by Penney, seconded by Genzlinger to recommend approval of the conditional use with the following conditions: 1) the permit is non-transferable, 2) if the business ceases to operate for six months, then a new application would be required, (3) pass a fire inspection.

Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – aye, Schmitz – aye, Sonne – aye. 7 aye, 0 nay; motion carried.

10. Conditional Use Permit: Cully Evers

Cully Evers has applied for a conditional use permit to operate a Telecommunication Tower, located at 2700 N Main St, legally described as Lot 1 of Brig Addition, a subdivision of Irregular Tract 12 in the SW 1/4 of Section 10, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. The said real property is zoned HB Highway Business District.

Jenniges explained notices were sent out to neighbors, sign posted and it was published in the official newspaper with three responses in favor and one requesting more information that did not make the packet. Jenniges also noted the next item on the agenda is the variance for the telecommunication tower, so discussion can be had about both items just has to be acted on separately. The applicant was present to answer questions.

Evers stated he has approval from the FAA to build to the height of 159' anywhere on the parcel. If he gets approved for the CUP and Variance, he will have to have SPN complete a 2C form for the FAA showing latitude, longitude and elevation for them to approve the extra height. He does not have any providers lined up to use the tower. It's a speculative tower. He builds cell phone towers for a living. This will be a monopole with no guidance wires.

Paul Koch, neighbor to the east/southeast, is against the location of the tower. He plans to build next to the location and has concerns of the tower falling.

Motion by Genzlinger, seconded by Schmitz to recommend approval of the conditional use.

Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – aye, Schmitz – aye, Sonne – aye. 7 aye, 0 nay; motion carried.

11. Variance Permit: Cully Evers

Cully Evers has applied for a variance permit for a height of 174' vs 65' for construction of a telecommunication tower, located at 2700 N Main St, legally described as Lot 1 of Brig Addition, a subdivision of Irregular Tract 12 in the SW 1/4 of Section 10, T 103 N, R 60 W of

the 5th P.M., City of Mitchell, Davison County, South Dakota. The said real property is zoned HB Highway Business District.

Jenniges explained notices were sent out to neighbors, sign posted and it was published in the official newspaper with three responses in favor. The applicant was present to answer questions.

Schmitz questioned where the 174' height came from. Evers stated that he is approved to 159' for the entire parcel, but if it is approved at 174' he can get one more carrier on the tower and just has to complete the 2C form done by SPN. He explained the poles are designed to collapse within themselves.

Paul Koch said he plans to develop his lots in the future and there is a better location that is not next to his property.

Jenniges reminded the board they are just approving the height variance with this application. This is zoned HB so prior to the issuance of a building permit, Planning Commission will have to approve the plan showing the location of the tower on the parcel.

Motion by Osterloo, seconded by Sonne 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.

12. Variance Permit: Kelly Jones

Kelly Jones has applied for a variance permit for rear yard (road side) setback of 20' vs 30' for construction of a house and attached garage, located at 84 N Harmon Dr, legally described as Lot 42 of Bayside Subdivision, City of Mitchell, Davison County, South Dakota. The said real property is zoned RL Lake Residential District.

Jenniges explained that notices were sent out to neighbors, sign posted and it was published in the official newspaper with one response in favor from the applicant explaining the reason for the requested variance. In 2008, there was a variance approved for a rear yard setback but that was from the road and not the right of way. The applicant moved the existing garage to another location and demolished the house. Because of the demolition, the existing variance is voided and they have to meet the required setbacks or request a variance again. The applicant was present to answer questions.

Larson acknowledged RL District lots have always been difficult for zoning and setbacks.

Osterloo questioned what the hardship was and the need for the variance. Jones explained that they would like to have more space on the lake side incase the lake floods and also for more privacy from the neighbors to the north.

Sonne questioned if the lot will require an elevation certificate. Schroeder said this lot will not. Sonne said that if the building is built outside the floodplain then in theory it shouldn't flood.

Motion by Jirsa, seconded by Schmitz to recommend approval of the variance. Roll call vote: Genzlinger – nay, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – aye, Schmitz – aye, Sonne – aye. 6 aye, 1 nay; motion carried.

13. Plat: Lot 4 in Tract D, Wild Oak Golf Club Addition to the City of Mitchell, Davison

County, South Dakota; as requested by Firesteel Links LLC

Jenniges explained this follows the master plan and Public Works has reviewed and has no issues with it. The applicant was not present to answer any questions.

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

14. Plat: Lot 5 of North Maui's First Addition and Sara Avenue, a subdivision of Lot 4 in the East 1/2 of the West 1/2 of Section 31, T 104 N, R 60 W of the 5th P.M., Davison County, South Dakota; as requested by Maui Farms Inc.

Jenniges explained this is outside city limits but within the ETJ so it's city's zoning jurisdiction. The county will hear it on May 2 and 9. The applicant was not present to answer questions.

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

15. Plat: Lot 10, Block 4 of the Woods First Addition, a subdivision of the East 1/2 of the SW 1/4 of Section 23, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota; as requested by CJM Consulting Inc

Jenniges explained this follows the master plan and Public Works has reviewed and has no issues with it. The applicant was not present to answer questions.

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

16. Plat: Plat of Lot C, Block 1 and Lot 1, Block 3 of Lakeridge Addition, a subdivision of Irregular Tracts Nos. 1 and 2 in the NW 1/4 of Section 10, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota; as requested by Ethan Coop Lumber

Jenniges explained this follows the master plan and Public Works has reviewed and has no issues with it. The applicant was not present to answer questions.

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

17. Other Business:

Jenniges announced the South Dakota Planners Association conference will be held in Mitchell October 24 through 26. He will send out the agenda once it is made public so board members can decide if they would like to attend.

18. Public Input:

None.

19. Adjourn

Chairperson Larson adjourned the meeting at 12:42 P.M.

A handwritten signature in black ink, reading "Jay A. Larson". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Jay A. Larson
Planning Commission Chairperson