

**Planning Commission Minutes**  
City Council Chambers, City Hall, 612 N. Main Street  
June 12, 2023

**1. Call to Order**

Chairperson Larson called the June 12, 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, Sonne.

Absent: Penney, Schmitz.

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

**3. Declaration Of Conflicts Of Interests**

Jirsa item #8.

Sonne item #10.

**4. Approve Agenda**

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

**5. Approval of Previous Minutes: May 22, 2023**

Motion by Jirsa, seconded by Osterloo to approve the proposed minutes of the May 22, 2023 Planning Commission meeting. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – absent, Schmitz – absent, Sonne – aye. 5 aye, 0 nay, 2 absent; motion carried.

**6. Schedule Next Meeting: June 26, 2023**

Motion by Genzlinger, seconded by Sonne to set the date for the next Planning Commission meeting for June 26, 2023. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – absent, Schmitz – absent, Sonne – aye. 5 aye, 0 nay, 2 absent; motion carried.

**7. Plan Approval: Muth Electric, 1717 N Sanborn Blvd, zoned Highway Business District**

Jenniges explained the applicant is constructing a 30' x 40' garage in the northwest corner of the facility for storage. The applicant was not present to answer questions.

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

**8. Plan Approval: Danny Prom Commercial Building, 1425 S Burr St, zoned Highway Business District**

Jenniges explained the applicant would like to construct another building on his property for commercial use. The plans of the proposed building are in the packet. Use of the building will dictate building codes and possible issues that will be dealt with at the time of the building permit application. There are 10 parking spaces for the new proposed facility but more

available parking around the restaurant to the south. Public Works will work through site plans during the building permit process. At this time it is a spec commercial building and could be used for offices or sales. The applicant was present to answer questions.

Motion by Genzlinger, seconded by Osterloo to approve the plan. Roll call vote: Genzlinger – aye, Jirsa – abstain, Larson – aye, Osterloo – aye, Penney – absent, Schmitz – absent, Sonne – aye. 4 aye, 0 nay, 1 abstain, 2 absent; motion carried.

#### **9. Plan Approval: Aaron Pemrick, 209 E 7th Ave, zoned Neighborhood Shopping**

Jenniges explained the applicant would like to build an addition onto his existing garage. The existing garage sits 7' from the property line. At this time he is not requesting to put a door on the south side, but will in the future, at which time there will be a variance permit requested.

The applicant was present to answer questions.

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

#### **10. Conditional Use Permit: Jensen Capital and Development LLC**

Jensen Capital and Development LLC has applied for a conditional use permit to construct Multi-Family Dwelling Units, located at 1303 S Ohlman St, legally described as the E625' of Lot X Lying North of X-2 in SE ¼ of NE 1/4 of Section 29, T 103 N, R 60 W of 5<sup>th</sup> 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 adjacent landowners, published in the official newspaper and sign posted. There were no letters for or against returned. The proposed site layout has 6 duplexes but the applicant would like to put six tri-plexes up. Jenniges said the Conditional Use Permit is the first step in the process and if approved, the applicant will have to come back to the board for plan approval as well. The applicant was not present to answer questions.

Osterloo stated it's been an empty lot for a long time and that it would be nice to have something there.

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

Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – absent, Schmitz – absent, Sonne – abstain. 4 aye, 0 nay, 1 abstain. 2 absent; motion carried.

#### **11. Conditional Use Permit: The Flower Shop LLC**

The Flower Shop LLC has applied for a conditional use permit to operate a Medical Cannabis Dispensary; located at 100 N Main St, legally described Lot 7, Block 12; Original Plat of Town (now City) of Mitchell, Davison County, South Dakota. The said real property is zoned CB Central District.

Jenniges explained notices were sent out to adjacent landowners, published in the official newspaper and sign posted. There was one letter of disapproval that made the packet and three that did not make the packet but were handed out at the meeting. The applicant was present to answer questions.

Don Dahl stated he was representing Mr. Adamo. He is originally from California and moved to

Mitchell for business. His grandson received a medical card at 13 and was top of his class and at age 15 he dropped out of school and, at age 28 he is finally getting his life back in order. The reason he and his wife moved here was because Mitchell is "small town America" with great compassion for restoring the main street. His opinion is that medical cannabis dispensaries are just legalized drug dealers and too many people have access to it. In California, they could no longer go downtown due to the smell and drug abuse happening. He has been called to an apartment he manages because a tenant was have an allergic reaction to someone smoking it in the hallway.

Peter Dikun, the applicant, stated he would like to expand his business into Mitchell from Sioux Falls. There is no smoking allowed on-site and he will have odor control plans for his building, but it is mainly the cultivation and manufacturing facilities that have odor problems, not dispensaries. There are no daycare or churches close to this location. He noted that veterans in Sioux Falls use his service. He explained the City of Mitchell only allows 5 licences and there are no places to put them. He plans to do some updating and improvements to the building.

Jirsa questioned if this building falls within the Mitchell Commercial Historic District and if it did would he need approval by Mitchell's Historic Preservation Commission first? Jenniges explained that at this time there have been no building permit applications that would warrant a review by HPC at this time. Any future improvements/remodels could.

Genzlinger questioned the history of the previous dispensaries in Central Business District.

Jenniges reminded the board that they approved the location at 5th and Main but did not approve the variance that went with it. Also they approved the dispensary located at the old Overtime building which is also zoned Central Business. Genzlinger questioned where this license would be coming from and if code has anything about distances to parks, to which Jenniges said that it is his understanding they are transferring the one from the old Runnings building (Besame Wellness) and the city does not have anything in their code about parks.

Motion by Osterloo, seconded by Larson to recommend approval of the conditional use. Roll call vote: Genzlinger – nay, Jirsa – nay, Larson – nay, Osterloo – aye, Penney – absent, Schmitz – absent, Sonne – aye. 2 aye, 3 nay, 2 absent; motion failed.

## **12. Variance Permit: Habitat for Humanity**

Habitat for Humanity has applied for a variance permit for rear-yard setback of 16' vs 25' and front-yard setback of 18' vs 25' for construction of a house with a rear deck and front porch, located at 505 S Langdon St, legally described as Lot 81A of Overlook Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R2 Single Family Residential District.

Jenniges explained notices were sent out to adjacent landowners, published in the official newspaper and sign posted. There were no letters for or against returned. The applicants built the house to the south and are trying to keep the fronts lined up as much as possible and pour a driveway between the two houses for only one curb cut out. The applicant was present to answer questions.

Genzlinger questioned the size of the houses, to which Hegg noted about 1,000 square feet, nothing overly big.

Osterloo noted that this is what was intended for these two lots.

Sonne questioned if the city was going to continue the sidewalk around the cul-de-sac and be a curbside sidewalk, to which Schroeder said they would continue the sidewalk but like to keep the boulevard for snow removable purposes.

Motion by Osterloo, seconded by Genzlinger to recommend approval of the variance. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – absent, Schmitz – absent, Sonne – aye. 5 aye, 0 nay, 2 absent; motion carried.

### **13. Conditional Use Permit: Corn Palace Stampede Inc**

Corn Palace Stampede Inc has applied for a conditional use permit to operate a Rodeo Grounds; located on N Ohlman St north of Industrial Road (no address created at this time), legally described as Lot 1 in the S 1/2 of the NW 1/4 of Section 33, T 104 N, R 60 W of the 5th P.M., said lot formerly within the boundaries of the Mitchell Municipal Airport, Mitchell, South Dakota. The said real property is zoned PL Public Lands and Institutions District.

Jenniges explained notices were sent out to adjacent landowners, published in the official newspaper and sign posted. There were no letters for or against returned. The proposed site layout of the the arena did not make the packet but was distributed at the meeting. The size is roughly the same as the existing soccer field and spectator parking will be to the east and competitor parking to the north but there will still be some bugs to work out. The applicant was not present to answer questions.

Motion by Genzlinger, seconded by Osterloo to recommend approval of the conditional use. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – absent, Schmitz – absent, Sonne – aye. 5 aye, 0 nay, 2 absent; motion carried.

### **14. Recommendation on Road Vacation**

Kelly Gross, Bart and Nikki Fredericksen, Charles and Pricilla Stevenson and CJM Consulting Inc, have petitioned the City Council of the City of Mitchell, Davison County, South Dakota to vacate the following:

Petitioners request to vacate the portion of Indian Head Drive which is adjacent to the Gross Property, Fredericksen Property, Stevenson Property and CJM Property, but only such portion lying east of the west property boundary of the CJM Property, and not including any portion of the intersection of Indian Head Drive with South Harmon Drive.

Jenniges explained the request of the unimproved road and how it will help with the development of South Lake. The city will have an easement on the existing drive for utilities and drainage. No permanent structures will be allowed to be located by the owners. The applicant was present to answer questions.

Kelly Gross submitted a letter that did not make the packet for his reasoning for why he is requesting the road to be vacated.

Schroeder stated Public Works supports the vacation and recommends approval.

Genzlinger noted that he is usually not in favor of vacations, but this one makes sense.

Motion by Osterloo, seconded by Jirsa to recommend approval of the road vacation. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – absent, Schmitz – absent, Sonne – aye. 5 aye, 0 nay, 2 absent; motion carried.

**15. Plat: Lots K and M, a subdivision of previously platted Lot S of Maui Farms Second Addition, City of Mitchell, Davison County, South Dakota; as requested by Maui Farms Inc**

Jenniges explained this continues with the master plan for the area. The applicant was 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 – absent, Schmitz – absent, Sonne – aye. 5 aye, 0 nay, 2 absent; motion carried.

**16. Plat: Lot 1, Block 5 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 continues with the master plan for the area. The applicant was present to answer questions.

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

**17. Plat: Lot 11, Block 9 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 continues with the master plan for the area. The applicant was present to answer questions.

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

**18. Plat: Lots 1-A and 1-B, Block 5 of Woodland Heights First Addition, A subdivision of Tracts 2 and 3, Block 1, Crane's Addition in the SE ¼ of Section 34, 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 there was a twin home that was built on the parent parcel and the center wall was not parallel to the parcel lines, so the halves could not be sold by the north or south half of said lot and had to be platted again. 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 – absent, Schmitz – absent, Sonne – aye. 5 aye, 0 nay, 2 absent; motion carried.

**19. Plan Approval: Cully Evers, 2700 N Main, zoned Highway Business**

Jenniges explained the conditional use permit and variance permit were approved by the Board of Adjustment on May 1, 2023. This is zoned Highway Business so any plans have to be approved by Planning Commission. The applicant has provided specs of the tower and a site layout including the location of their future developments and why they wish to put it in the location they did. The next agenda item is the plan to vacate some existing easements and create some new. The applicant was present to answer questions.

Paul Koch stated he is a neighbor to this property and plans to develop it in the future. He has concerns over safety issues of the tower falling or ice falling from the tower. He believes the location is just not good for him.

Cully Evers stated it will be a monopole construction like MTC. Ice built up will slide straight down the structure as it warms up. He also plans to build on his property close to the tower. The tower is designed to break half way up and fall onto itself.

Genzlinger stated he can sympathize with both but has not seen any building plans for the east property and he sees it at first come, first serve.

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

**20. Plat: Lot 1A 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; as requested by Cully Evers**

The applicant is replatting their existing for furutre development purposes. Also, they are vacating some existing easements as well as adding a couple, one of which is for the City of Mitchell on the east side of the property as there is a water line that goes through there. The applicant was present to answer questions.

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

**21. Other Business:**

None.

**22. Public Input:**

None.

**23. Adjourn**

Chairperson Larson adjourned the meeting at 12:46 P.M.

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Jay A. Larson  
Planning Commission Chairperson