



Planning Commission Meeting Agenda
City Council Chambers, City Hall, 612 N. Main Street
June 26, 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: June 12, 2023**
- 6. Schedule next Meeting: July 10, 2023**
- 7. Conditional Use Permit: Jodi Hofer**

Jodi Hofer has applied for a conditional use permit to operate a Family Residential Daycare; located at 314 E 10th Ave, legally described as Lot 10, Block 8, D A Scotts First Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R2 Single Family Residential District.
- 8. Conditional Use Permit: Jennifer Gerfen**

Jennifer Gerfen has applied for a conditional use permit to operate a Family Residential Daycare; located at 1026 N Langdon St, legally described as West 81' of Lot 5, Block 4 of DA Scotts Second Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R4 High Density Residential District.
- 9. Conditional Use Permit: Bailey Week**

Bailey Week has applied for a conditional use permit to operate a Family Residential Daycare; located at 308 S Mentzer St, legally described as Lots 7 and 8, Block 9, Applegate Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R4 High Density Residential District.
- 10. Variance Permit: Aaron Pemrick**

Aaron Pemrick has applied for a variance permit for a setback from an alley of 7' vs 16' for an overhead garage door parallel to the alley for a garage addition; located at 209 E 7th Ave, legally described as Lot 4, Block 7, Rowley's 1st Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned NS Neighborhood Shopping District.
- 11. Hearing And Recommendation: An Ordinance Amending 10-9E-4, South Point Village Planned Development District**

Lloyd Companies is requesting to amend South Point Village Planned Unit Development by changing 10-9E-4 Permitted Uses from "Multi-family dwellings of twenty four (24) units or less" to "Multi-family dwellings" for construction of future apartment buildings.
- 12. Plat: Lot A-2, a subdivision of Lot A-1 of N. Boyden First Addition, a subdivision of the SE 1/4 of the NE 1/4 of Section 23, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota**

13. Other Business:

14. 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.

15. 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
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 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 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.

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** \$150 application due with the application.

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

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

- Description of Variance Requested: _____

☒ **Conditional Use Permit** \$150 application due with the application.

- Description of Conditional Use: To run & operate a state
certified daycare & learning center.

This Application is for the following described real property:

- Legal Description: Lot 10, Block 8 DA Scott's First Addition,
City of Mitchell, Davison County, South Dakota

- Property Address: 314 E 10th Ave Mitchell SD 57301

Dated this 30th day of May, 2023

Jodi Michelle Hofer
Applicant

Jodi Michelle Hofer
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 Jodi Hofer has applied for a conditional use permit to operate a Family Residential Daycare; located at 314 E 10th Ave, legally described as Lot 10, Block 8, D A Scotts First Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R2 Single Family Residential District.

YOU ARE FURTHER NOTIFIED, that public hearings will be held by the City Planning Commission on Monday, June 26, 2023, 12:00 P.M. (Noon) and the Board of Adjustment on Wednesday, July 5, 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 8th day of June, 2023.

Michelle Bathke

FINANCE OFFICER

Publish once: 14th day of June, 2023

Approximate Cost:

Jodi & Joseph Hofer
314 E 10th Ave
Mitchell, SD 57301

Kirby & Erin Fuerst
1519 Augusta Ave
Mitchell, SD 57301

Judith Zoss
2379 County Highway 16
Porter, MN 56280

Richard & Jean King
24086 415th Ave
Artesian, SD 57314

Roxene Kasten
323 E 11th Ave
Mitchell, SD 57301

Aaron Gerfen
1026 N Langdon St
Mitchell, SD 57301

Mailbox Capital X-Plex LLC
1707 Barn Swallow Dr
Austin, TX 78746

Michael Hirsch
302 E 10th Ave
Mitchell, SD 57301

Kenneth & Elisea Stegenga
308 E 10th Ave
Mitchell, SD 57301

Nick Novak
318 E 10th Ave
Mitchell, SD 57301

Johnson Investment Company
1300 N Kimball St
Mitchell, SD 57301

John Wehde
C/O Jim Oatman
400 E 10th Ave
Mitchell, SD 57301

Bryan Titze
301 E 10th Ave
Mitchell, SD 57301

Mark & Becky Gaulke
25527 413th Ave
Mitchell, SD 57301

John Rau
309 E 10th Ave
Mitchell, SD 57301

Reside Properties LLC
PO Box 127
Mitchell, SD 57301

Robert Dunwoody
323 E 10th Ave
Mitchell, SD 57301

Verna Anderson
401 E 10th Ave
Mitchell, SD 57301

June 14, 2023

TO WHOM IT MAY CONCERN:

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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 Bexene G. Kasten
OWNER

323 E 11th Ave Mitchell, SD
ADDRESS

 APPROVE

 X DISAPPROVE

COMMENTS:

The Hofers have "BE WARE OF DOG" signs on their front yard. They have a couple big dogs that bark at anything and anyone at all times of day and night. I don't see how children could be safe under these circumstances.

Bexene Kasten

Outside expectations

June 14, 2023

TO WHOM IT MAY CONCERN:

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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

John Rau
OWNER

309 E 10th Ave Mitchell, SD 57301

ADDRESS

☒

APPROVE

☐

DISAPPROVE

COMMENTS:

*She is trying to provide a much needed service and
US working parents thank her*



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.

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

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

- Description of Variance Requested: _____

☒ **Conditional Use Permit** \$150 application due with the application.

- Description of Conditional Use: Family Residential Daycare

This Application is for the following described real property:

- Legal Description: West 81' of Lot 5, Block 4 of DA Scotts
Second Addition, City of Mitchell, Davison County
South Dakota

- Property Address: 1026 N Langdon St

Dated this 2nd day of June, 2023.

Jen Gerfen
Applicant

[Signature]
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 Jennifer Gerfen has applied for a conditional use permit to operate a Family Residential Daycare; located at 1026 N Langdon St, legally described as West 81' of Lot 5, Block 4 of DA Scotts Second Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R4 High Density Residential District.

YOU ARE FURTHER NOTIFIED, that public hearings will be held by the City Planning Commission on Monday, June 26, 2023, 12:00 P.M. (Noon) and the Board of Adjustment on Wednesday, July 5, 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 8th day of June, 2023.

Michelle Bathke

FINANCE OFFICER

Publish once: 14th day of June, 2023

Approximate Cost:

Jennifer & Aaron Gerfen
1026 N Langdon St
Mitchell, SD 57301

Mitchell Area Properties LLC
1218 E 1st Ave
Mitchell, SD 57301

Gabriel Leslie
42 E 11th Ave
Mitchell, SD 57301

Richard Snook
406 E 11th Ave
Mitchell, SD 57301

Alexander Young
813 W Ash Ave
Mitchell, SD 57301

Michael & Shanna Kobold
416 E 11th Ave
Mitchell, SD 57301

Richard & Sarah Dozark
420 E 11th Ave
Mitchell, SD 57301

Richard & Jean King
24086 415th Ave
Artesian, SD 57314

Roxene Kasten
323 E 11th Ave
Mitchell, SD 57301

James Stearns
409 E 11th Ave
Mitchell, SD 57301

Barry Simkins
421 E 11th Ave
Mitchell, SD 57301

Mailbox Capital X-Plex LLC
1707 Barn Swallow Dr
Austin, TX 78746

Joseph Hofer
314 E 10th Ave
Mitchell, SD 57301

Nicholas Novak
318 E 10th Ave
Mitchell, SD 57301

Johnson Investment Company
1300 N Kimball St
Mitchell, SD 57301

John Wehde
C/O Jim Oatman
400 E 10th Ave
Mitchell, SD 57301

Shelby Fathke
406 E 10th Ave
Mitchell, SD 57301

Margaret Weisz
408 E 10th Ave
Mitchell, SD 57301

Mike & Kim Ostbye
41483 257th St
Mitchell, SD 57301

Devin & Debbie Van Genderen
418 E 10th Ave
Mitchell, SD 57301

June 14, 2023

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that Jennifer Gerfen has applied for a conditional use permit to operate a Family Residential Daycare; located at 1026 N Langdon St, legally described as West 81' of Lot 5, Block 4 of DA Scotts Second Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R4 High Density Residential District.

YOU ARE FURTHER NOTIFIED that the City Planning Commission will be conducting a hearing on this application on Monday, June 26, 2023, 12:00 P.M. (Noon) and the Board of Adjustment on Wednesday, July 5, 2023 at 6:00 P.M, 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

Roxene H. Kasten

OWNER

323 E 11th Ave Mitchell, SD

ADDRESS

X

APPROVE

DISAPPROVE

COMMENTS:

I have known Jen for a long time. She is a great mother to her kids and I know she would show the same love and care to any other children she would be responsible for.

Roxene Kasten



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** \$150 application due with the application.

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

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

- Description of Variance Requested: _____

☒ **Conditional Use Permit** \$150 application due with the application.

- Description of Conditional Use: For in home daycare use.

This Application is for the following described real property:

- Legal Description: Lots 7 + 8 Block 9, Applegate Addition,
City of Mitchell, Davison County, South Dakota

- Property Address: 308 South Mentzer Street
Mitchell, SD 57301

Dated this 5th day of June 2023

Bailey Weech
Applicant

Chris Rogers
Owner

605-933-2633



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 Bailey Week has applied for a conditional use permit to operate a Family Residential Daycare; located at 308 S Mentzer St, legally described as Lots 7 and 8, Block 9, Applegate Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R4 High Density Residential District.

YOU ARE FURTHER NOTIFIED, that public hearings will be held by the City Planning Commission on Monday, June 26, 2023, 12:00 P.M. (Noon) and the Board of Adjustment on Wednesday, July 5, 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 8th day of June, 2023.

Michelle Bathke

FINANCE OFFICER

Publish once: 14th day of June, 2023

Approximate Cost:

Bailey Week
308 S Mentzer St
Mitchell, SD 57301

Riggs Rental Properties LLC
41575 Hwy 42
Ethan, SD 57334

Clarke Companies LLC
47035 250th St
Baltic, SD 57003

Karen Wadleigh Trust
25067 400th Ave
Mt. Vernon, SD 57363

Becky Weber
901 E Ash Ave
Mitchell, SD 57301

Dillan Kostrzewski
905 E Ash Ave
Mitchell, SD 57301

Ellis Rentals LLC
1523 S Miller Ave
Mitchell, SD 57301

Gary & Monica Lurken
919 E Ash Ave
Mitchell, SD 57301

Oscar Tiul Cucul
305 S Mentzer St
Mitchell, SD 57301

Tommy & Jennifer Cooper
309 S Mentzer St
Mitchell, SD 57301

John & Brenda Weisser
815 E 4th Ave
Mitchell, SD 57301

Sheesley Sheet Metal Inc
165 N Harmon Dr
Mitchell, SD 57301

Gregory Patton
1321 E Havens Ave
Mitchell, SD 57301

Bruce & Marlene Haines
25772 408th Ave
Mitchell, SD 57301

Ringneck & Western Railroad LLC
315 W 3rd St
Pittsburg, KS 66762



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 due with the application.*

Applicant is request to rezone property from [Click or tap here to enter text.](#) District to [Click or tap here to enter text.](#) District.

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

Description of Variance: Setback from an alley of 7' vs 16' for an overhead garage door parallel to the alley for a garage addition in the Neighborhood Shopping District.

☐ **Conditional Use Permit** *\$150 application fee due with application*

Description of Conditional Use: [Click or tap here to enter text.](#)

This Application is for the following described real property:

Legal Description: Lot 4, Block 7, Rowley's 1st Addition, City of Mitchell, Davison County, South Dakota.

Property Address: 209 E 7th Ave

Dated this 7th of June, 2023

Aaron Pemrick
APPLICANT

OWNER

A handwritten signature in dark ink, appearing to read "Aaron Pemrick", written over a horizontal line.



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 Aaron Pemrick has applied for a variance permit for a setback from an alley of 7' vs 16' for an overhead garage door parallel to the alley for a garage addition; located at 209 E 7th Ave, legally described as Lot 4, Block 7, Rowley's 1st Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned NS Neighborhood Shopping District.

YOU ARE FURTHER NOTIFIED, that public hearings will be held by the City Planning Commission on Monday, June 26, 2023, 12:00 P.M. (Noon) and the Board of Adjustment on Wednesday, July 5, 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 8th day of June, 2023.

Michelle Bathke

FINANCE OFFICER

Publish once: 14th day of June, 2023

Approximate Cost:

Aaron Pemrick
209 E 7th Ave
Mitchell, SD 57301

Calvin Degen
202 E 7th Ave
Mitchell, SD 57301

Clarke Companies LLC
47035 250th St
Baltic, SD 57003

Gerald & Leah Littlehead
212 E 7th Ave
Mitchell, SD 57301

Randall & Debra Briggs
216 E 7th Ave
Mitchell, SD 57301

Rieside Properties LLC
PO Box 127
Mitchell, SD 57301

Mitchell Area Development Corp
601 N Main St
Mitchell, SD 57301

Erin Fieseler
207 E 7th Ave
Mitchell, SD 57301

Cody Sheesley
PO Box 201
Mitchell, SD 57301

Becky & Fick Jacobson
709 N Kimball St
Mitchell, SD 57301

Kathy Metz
41371 257th St
Mitchell, SD 57301

Switchgrass Properties LLC
221 E 7th Ave
Mitchell, SD 57301

Manping & Tiancan Cheng
204 E 6th Ave
Mitchell, SD 57301

Andrew Chenoweth
208 E 6th Ave
Mitchell, SD 57301

Rene & Bobby Pruitt
212 E 6th Ave
Mitchell, SD 57301

Heather Herr
216 E 6th Ave
Mitchell, SD 57301

Nathan Larsen
840 Bittersweet Dr
APT #3
Clearwater, MN 55320

City of Mitchell
612 N Main St
Mitchell, SD 57301

June 14, 2023

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that Aaron Pemrick has applied for a variance permit for a setback from an alley of 7' vs 16' for an overhead garage door parallel to the alley for a garage addition; located at 209 E 7th Ave, legally described as Lot 4, Block 7, Rowley's 1st Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned NS Neighborhood Shopping District.

YOU ARE FURTHER NOTIFIED that the City Planning Commission will be conducting a hearing on this application on Monday, June 26, 2023, 12:00 P.M. (Noon) and the Board of Adjustment on Wednesday, July 5, 2023 at 6:00 P.M, 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 Bobby Pruitt Leni Pruitt
OWNER

212 E 6th AVE MITCHELL, SD 57301
ADDRESS

X APPROVE

_____ DISAPPROVE

COMMENTS:

WE HAVE NO OBJECTION OR PROBLEM
WITH HIS ADDITION

June 14, 2023

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that Aaron Pemrick has applied for a variance permit for a setback from an alley of 7' vs 16' for an overhead garage door parallel to the alley for a garage addition; located at 209 E 7th Ave, legally described as Lot 4, Block 7, Rowley's 1st Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned NS Neighborhood Shopping District.

YOU ARE FURTHER NOTIFIED that the City Planning Commission will be conducting a hearing on this application on Monday, June 26, 2023, 12:00 P.M. (Noon) and the Board of Adjustment on Wednesday, July 5, 2023 at 6:00 P.M, 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 Shawn & Erin Fieseler
OWNER

207 E 7th Ave, Mitchell, SD 57301
ADDRESS

X APPROVE

 DISAPPROVE

COMMENTS:



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 due with the application.*

Applicant is request to rezone property from 10-9E-4 Permitted Uses-Multi-family dwelling of twenty four (24) units or less District to 10-9E-4 Permitted Uses-Multi-family dwelling District.

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

Description of Variance: [Click or tap here to enter text.](#)

☐ **Conditional Use Permit** *\$150 application fee due with application*

Description of Conditional Use: [Click or tap here to enter text.](#)

This Application is for the following described real property:

Legal Description: Tract 1 and Tract 1-A, Less Lots Tract 1-C and Tract 1-D, Tract 1-C; and Tract 1-D, Starlite Estates, Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4), Section 34, Township 103 Norht, Range 60 West, City of Mitchell, Davison County.

Property Address: Multiple

Dated this 7th of June, 2023

A handwritten signature in black ink, appearing to read "Drew O'Brien".

6/7/2023

Applicant: Drew O'Brien - Lloyd Companies

A handwritten signature in black ink, appearing to read "Jeremy Jensen".

Owner: Jeremy Jensen

NOTICE OF HEARING

TO: The City of Mitchell Planning Commission, City Council of the City of Mitchell, and the General Public.

You are hereby notified that the following proposed ordinance will be heard and considered by the City Planning Commission on Monday, June 26, 2023 at 12:00 pm (Noon) and the City Council will consider first reading of the proposed ordinance on Wednesday, July 5, 2023 at 6:00 pm and consider second reading and final adoption on Monday, July 17, 2023 at 6:00 pm. All meetings will held in the Council Chambers, City Hall, 612 N Main St, Mitchell, South Dakota. All interested parties may attend the hearings and provide testimony.

ORDINANCE O2023-05

An Ordinance amending 10-9E-4 Permitted Uses, South Point Village Planned Development District, Title 10 Zoning Regulations, City of Mitchell Municipal Code

NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA:

Section 1.

That 10-9E-4: Permitted Uses, be amended by changing “Multi-family dwellings of twenty four (24) units or less” to “Multi-family dwellings”: so to be read as follows:

10-9E-4: PERMITTED USES:

Assisted living facility up to twenty four (24) units.
Community center privately owned or operated.
Education institution.
Lodging house.
Multi-family dwellings.
Open space.
Parks and Playgrounds.
Recreation indoor facility.
Recreation outdoor facility.
Religious institution.
Single family dwellings.
Student housing (off campus). (Ord. 2411, 10-15-2012)

Section 2.

The City Finance Officer shall cause notice of adoption of this ordinance to be published in the official newspaper and twenty (20) days after the completed publication, unless the referendum is invoked, this ordinance shall become effective.

Adopted by majority vote of the Mitchell SD City Council in regular session this ____
day of _____, 2023.

Robert B. Everson, Jr. – Mayor

Attest:

(seal)

Michelle Bathke – City Finance Officer

First Reading: _____

Second Reading: _____

Adoption: _____

Published: _____

**Publish three times: Wednesday June 14, 2023, Wednesday June 21, 2023 and Wednesday
July 5, 2023**

Approximate Costs:

Loyd Companies
Drew O'Brien
101 S Reid St #201
Sioux Falls, SD 57103

Jensen Capital & Development LLC
25063 Alex Ct
Mitchell, SD 57301

Basil & Sandra Kelley
2319 Urbana Dr
Mitchell, SD 57301

Lyndon & Jana Overweg
1517 Deerfield Ln
Mitchell, SD 57301

Philip & Kelli Malde
321 E Spruce St
Mitchell, SD 57301

EVI Mitchell LLC
322 Demers Ave
Ste 500
Grand Forks, ND 58201

Abby Perez
2306 Urbana Dr
Mitchell, SD 57301

Jeanne Blaalid
25608 408th Ave
Mitchell, SD 57301

Aaron & Danielle Hoffman
3321 Maui Dr
Mitchell, SD 57301

Mega Wash Inc
800 E Kay Ave
Mitchell, SD 57301

South Point Village LLC
PO Box 1384
Mitchell, SD 57301

Menard Inc Corporate Accounting
4777 Menard Dr
Eau Claire, WI 54703

Mary Harris
2312 Dean Dr
Mitchell, SD 57301

ARTICLE E. SOUTH POINT VILLAGE PLANNED DEVELOPMENT DISTRICT
SECTION:

10-9E-1: Legal Description

10-9E-2: Purpose

10-9E-3: Scope Of Regulations

10-9E-4: Permitted Uses

10-9E-5: Conditional Uses

10-9E-6: Parking Requirements

10-9E-7: Sign Regulations

10-9E-8: Density, Area, And Height Regulations

10-9E-9: Other Regulations

10-9E-1: LEGAL DESCRIPTION:

Tract 1 and Tract 1-A, Less Lots Tract 1-C and Tract 1-D, Tract 1-C; and Tract 1-D, Starlite Estates, Northeast Quarter (NE ¹/₄) of the Northwest Quarter (NW ¹/₄), Section 34, Township 103 North, Range 60 West, City of Mitchell, Davison County, South Dakota.

(Ord. 2411, 10-15-2012)

10-9E-2: PURPOSE:

This area is to provide single- and multi-family residential opportunities and provide for a variety of densities and uses compatible with residential development. (Ord. 2411, 10-15-2012)

10-9E-3: SCOPE OF REGULATIONS:

The regulations in this article or set forth elsewhere in this title, when referred to in this article, are the district regulations of the South Point Village planned development district. (Ord. 2411, 10-15-2012)

10-9E-4: PERMITTED USES:

Assisted living facility up to twenty four (24) units.

Community center, privately owned or operated.

Educational institution.

Lodging house.

Multi-family dwellings.

Open space.

Parks and playgrounds.

Recreation indoor facility.

Recreation outdoor facility.

Religious institution.

Single-family dwellings.

Student housing (off campus). (Ord. 2411, 10-15-2012)

10-9E-5: CONDITIONAL USES:

Bed and breakfast.

Childcare center (preschool, nursery).

Community garden.

Convenience store.

Family residential daycare.

Fuel service station.

Home occupations.
 Personal health services.
 Self-service storage facility. (Ord. 2411, 10-15-2012)

10-9E-6: PARKING REQUIREMENTS:

Parking shall be regulated in conformance with the provision of this title, unless otherwise indicated in this article. The total parking required in each parcel may be provided off site; however, parking dedicated to serve the residents and visitors to the South Point Village development district must be within the boundaries of the district.

Parking in the front yard and side yard setbacks along public streets, private streets and private drives will be permitted.

Parking will be provided for each lot's uses by a combination of garage spaces for the residential component and on site and off site parking. (Ord. 2411, 10-15-2012)

10-9E-7: SIGN REGULATIONS:

Signs and the placement thereof shall be in conformance with title 9, chapter 4 of this code. (Ord. 2512, 4-6-2015)

10-9E-8: DENSITY, AREA, AND HEIGHT REGULATIONS:

<i>High Density Residential R-4</i>	<i>Minimum Lot Area¹</i>	<i>Minimum Lot Width</i>	<i>Minimum Front Yard</i>	<i>Minimum Rear Yard</i>	<i>Minimum Side Yard³</i>	<i>Minimum Side Yard Corner Lot</i>	<i>Maximum Zoning Lot Coverage</i>	<i>Maximum Height²</i>
1 dwelling unit	6,000 sq. ft.	50'	25'	25'	3'	10'	75%	6 stories or 65'
2 dwelling units	8,000 sq. ft.	60'	25'	25'	3'	10'	75%	6 stories or 65'
3 dwelling units	9,000 sq. ft.	75'	25'	25'	25'	10'	75%	6 stories or 65'
4 dwelling units	14,000 sq. ft.	100'	25'	25'	25'	10'	75%	6 stories or 65'

Notes:

1. For each additional unit over 4 units add 800 square feet to the minimum zoning lot area and 75 feet shall be the minimum lot width.
2. In the R-4 district, no building shall exceed 6 stories or 65 feet in building height; except, that 1 foot of height may be added to the building for each foot that the building is set back from the required front yard.
3. A zero lot line in the event the townhomes are ever subdivided and sold as condominiums.

A. Accessory Buildings:

1. Accessory buildings cannot exceed twenty two feet (22') in building height.
2. Accessory buildings in the planned development district shall not exceed two thousand (2,000) square feet per dwelling unit and the principal and accessory buildings shall not exceed the maximum zoning lot coverage.
3. An accessory building shall not be permitted in any required front yard and no separate accessory building shall be erected within three feet (3') of any principal building's line.
4. Accessory buildings shall be at least three feet (3') from zoning lot lines of adjoining lots with the footage to be measured from the overhang building line. On a corner lot they shall conform to the setback requirements on the side street, except in the case of an accessory structure door parallel to the alley, the minimum yard requirement setback shall not be less than sixteen feet (16'). (Ord. 2411, 10-15-2012)

10-9E-9: OTHER REGULATIONS:

- A. Residential accessory buildings and uses are permitted.
- B. Accessory buildings and uses for approved conditional uses are permitted.
- C. Development shall coincide with completion of proper municipal street and utility improvements.
- D. Private walking trails are permitted.
- E. Standards that are set forth in the city of Mitchell subdivision regulations with regards to installation of public improvements within the public rights of way may be waived upon a written agreement between the developer and the city council. (Ord. 2411, 10-15-2012)

City of Mitchell | Public Works
612 North Main Street | Mitchell, SD 57301
Phone: 605-995-8433 | Fax: 605-995-8410
CityOfMitchell.org



June 14, 2023

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that Loyd Companies is requesting to amend South Point Village Planned Unit Development by changing 10-9E-4 Permitted Uses from “Multi-family dwellings of twenty four (24) units or less” to “Multi-family dwellings”:

YOU ARE FURTHER NOTIFIED that the City Planning Commission will be conducting a hearing on this application on Monday, June 26, 2023, 12:00 P.M. (Noon) and the Board of Adjustment on Wednesday, July 5, 2023 at 6:00 P.M, 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 Jeremy Jensen JENSEN DESIGN BUILDS
OWNER

801 Quince St.
ADDRESS

X APPROVE

 DISAPPROVE

COMMENTS:

Outside expectations



JUN 16 2023

June 14, 2023

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that Loyd Companies is requesting to amend South Point Village Planned Unit Development by changing 10-9E-4 Permitted Uses from “Multi-family dwellings of twenty four (24) units or less” to “Multi-family dwellings”:

YOU ARE FURTHER NOTIFIED that the City Planning Commission will be conducting a hearing on this application on Monday, June 26, 2023, 12:00 P.M. (Noon) and the Board of Adjustment on Wednesday, July 5, 2023 at 6:00 P.M, 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 Menard, Inc.
OWNER

815 E. Spruce St
ADDRESS

____ APPROVE

____ DISAPPROVE

COMMENTS:

Please See the Attached Letter.



June 22, 2023

Sent Via US Mail and Email

City of Mitchell
Planning and Zoning Dept.
612 N Main
Mitchell, SD 57301

RE: Written Comments for Proposed PUD Amendment

Dear Members of the City of Mitchell Planning Commission.

Menards is in receipt of a public notice regarding the proposed amendment to the permitted uses for the South Point Village Planned Unit Development. It is further our understanding that this change is being requested as part of a proposal to construct a new 35-unit apartment complex.

Menards currently operates a retail store and lumberyard adjacent to the proposed development. Where Menards shares in the desire for growth, prosperity, and the continued development of the City of Mitchell, the operation of the Menards property, like similar large retail establishments, generates certain levels of noise, traffic, and light. Menards respectfully requests that the proposal before the commission be considered with these pre-existing conditions in mind. Menards further requests that any approval be conditioned on the acknowledgement by all parties of the foreseeable issues that may result by being in close proximity to an existing retail store and lumber yard.

Please include this letter as part of the official public hearing transcripts of the upcoming City of Mitchell Planning Commission meeting. Thank you for your time and consideration.

Respectfully,

Menard, Inc.

A handwritten signature in blue ink, appearing to read "Patrick P. Schaffer", with a long horizontal flourish extending to the right.

Patrick P. Schaffer

Corporate Counsel
Menard, Inc. - Properties Division
5101 Menard Drive, Eau Claire, WI 54703
pschaff@menard-inc.com
[P] 715-876-4147

CC Mark Jenniges – City Planner <mjenniges@cityofmitchell.org>



1 Inch = 200 Feet

LEGEND

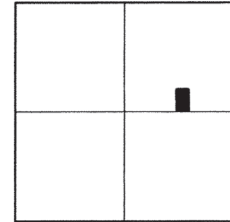
- = FOUND IRON MONUMENT
- = SET 5/8" X 18" REBAR WITH PLASTIC CAP NO. 13714
- 100' (P) = PLATTED BEARING OR DISTANCE
- 100' = MEASURED BEARING OR DISTANCE
- = SET NAIL
- △ = SET SURVEY SPIKE
- 4.00 CH (P) = PLATTED DISTANCE IN CHAINS
- = FOUND NAIL
- ◇ = SET 3/8" X 12" SPIKE W/WASHER JAW-13714
- WM = WITNESS MONUMENT

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

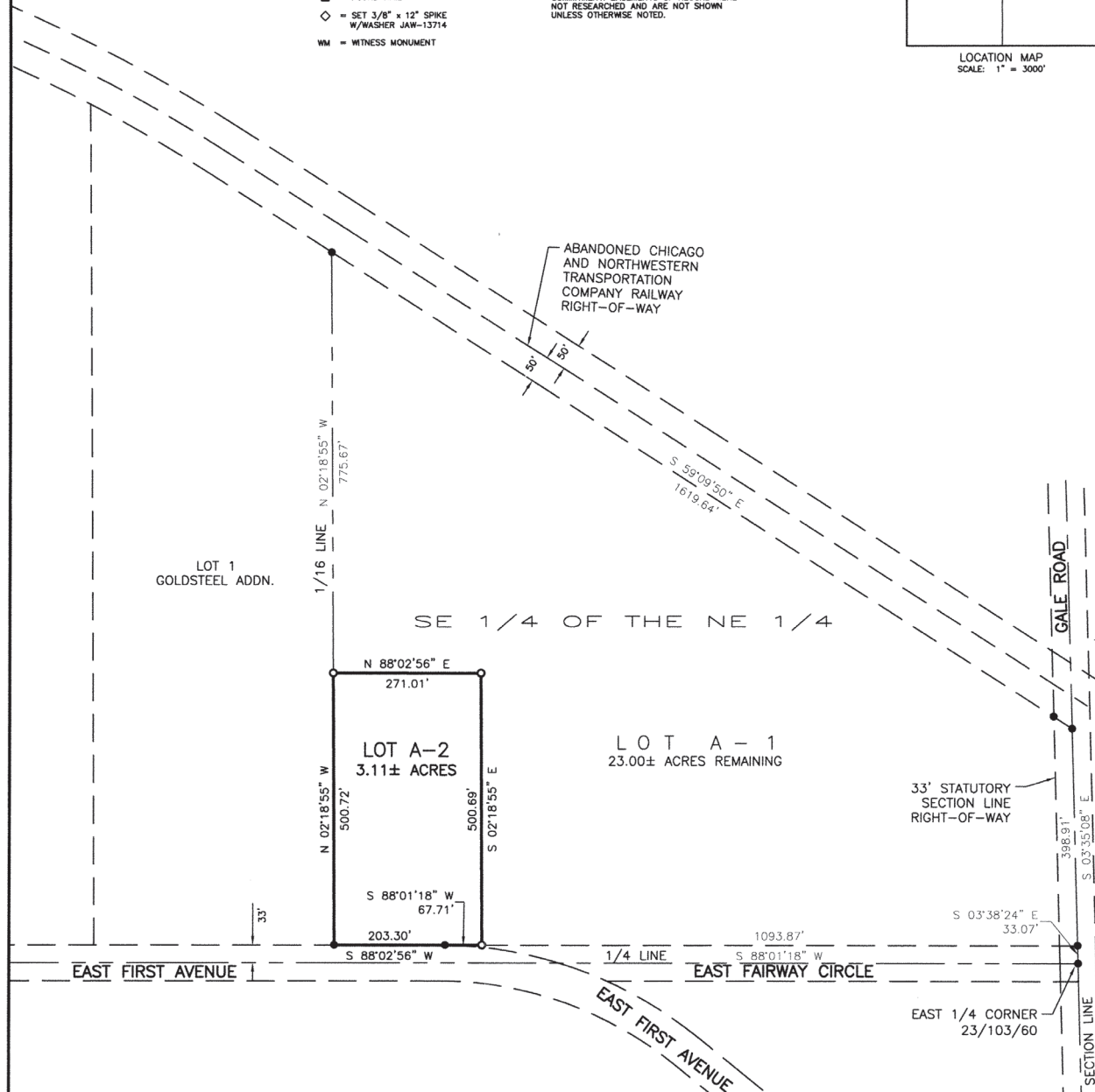
COORDINATE SYSTEM IS SOUTH DAKOTA SOUTH ZONE,
STATE PLANE - NORTH AMERICAN
DATUM 1983 - GEOID 18.
GRID BEARINGS AND GROUND DISTANCES ARE SHOWN.

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. 23, T 103 N, R 60 W



LOCATION MAP
SCALE: 1" = 3000'



A PLAT OF LOT A-2, A SUBDIVISION OF LOT A-1 OF N. BOYDEN FIRST ADDITION, A SUBDIVISION OF THE SE 1/4 OF THE NE 1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, Jeremy A. Wolbrink, the undersigned, do hereby certify that I am a Registered Land Surveyor in the State of South Dakota. At the request of Drew Boyden, as owner, and under his direction for purposes indicated therein, I did on or prior to June 20, 2023, survey those parcels of land described as follows: LOT A-2, A SUBDIVISION OF LOT A-1 OF N. BOYDEN FIRST ADDITION, A SUBDIVISION OF THE SE 1/4 OF THE NE 1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., 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 June, 2023.

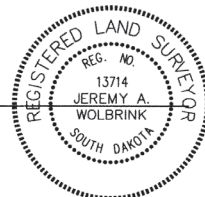
Registered Land Surveyor #SD13714

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



A PLAT OF LOT A-2, A SUBDIVISION OF LOT A-1 OF N. BOYDEN FIRST ADDITION, A SUBDIVISION OF THE SE 1/4 OF THE NE 1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA

RESOLUTION OF COUNTY PLANNING COMMISSION

WHEREAS, the plat of LOT A-2, A SUBDIVISION OF LOT A-1 OF N. BOYDEN FIRST ADDITION, A SUBDIVISION OF THE SE 1/4 OF THE NE 1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, prepared by Jeremy A. Wolbrink, duly licensed Land Surveyor in and for the State of South Dakota, heretofore filed in the office of the County Auditor of Davison County, South Dakota, has been submitted to the County Planning Commission of the said County of Davison, South Dakota; and

WHEREAS, the County Planning Commission, in regular meeting assembled, had duly considered said plat and finds as a fact that said plat is in conformity and does not conflict with the Master Plan for the County of Davison, South Dakota, heretofore adopted by this Commission;

NOW THEREFORE, be it resolved by the County Planning Commission of Davison County, South Dakota, that the plat of LOT A-2, A SUBDIVISION OF LOT A-1 OF N. BOYDEN FIRST ADDITION, A SUBDIVISION OF THE SE 1/4 OF THE NE 1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, prepared by Jeremy A. Wolbrink, a Land Surveyor, be and the same is hereby approved and its adoption by the Board of Commissioners of the County of Davison, South Dakota, is hereby recommended.

The undersigned hereby certifies that the foregoing resolution was passed by the County Planning Commission of Davison County, South

Dakota, at a meeting thereof held on the _____ day of _____, 2023.

Chairperson/Vice-Chairperson of Davison County
Planning Commission

RESOLUTION BY BOARD OF COUNTY COMMISSIONERS

Be it resolved by the Board of County Commissioners of Davison County, South Dakota, that the plat of LOT A-2, A SUBDIVISION OF LOT A-1 OF N. BOYDEN FIRST ADDITION, A SUBDIVISION OF THE SE 1/4 OF THE NE 1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, which has been submitted for examination pursuant to law, is hereby approved and the County Auditor is hereby authorized and directed to endorse on such plat a copy of this Resolution and certify the same.

Chairperson/Vice-Chairperson, Board of County
Commissioners of Davison County

AUDITOR'S CERTIFICATE

I do hereby certify that the above resolution was adopted by the Board of County Commissioners of Davison County, South Dakota, at a regular meeting held on _____, 2023, approving the above-named plat.

Auditor/Deputy Auditor, Davison County

SDDOT CERTIFICATE OF HIGHWAY AUTHORITY

Access to East First Avenue is approved. This access approval does not replace the need for any permits required by law to establish the precise access location, including permit requirements set forth in Administrative Rule of South Dakota 70:09:01:02.

By: _____
Highway Authority

Title: _____

Date: _____

CERTIFICATE OF COUNTY TREASURER

I 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 my office, have been fully paid.

Treasurer/Deputy Treasurer, Davison County

Date

DIRECTOR OF EQUALIZATION

I hereby certify that a copy of the plat of LOT A-2, A SUBDIVISION OF LOT A-1 OF N. BOYDEN FIRST ADDITION, A SUBDIVISION OF THE SE 1/4 OF THE NE 1/4 OF SECTION 23, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, has been received by me and is filed in my office.

Director of Equalization/Deputy Director
of Equalization, Davison County

Date

REGISTER OF DEEDS

STATE OF SOUTH DAKOTA)
_____)SS
COUNTY OF DAVISON)

FILED for record this _____ day of _____, 2023, at _____, and recorded in Book _____ of Plats on
Page(s) _____ therein and recorded on Microfilm Number _____.

Register of Deeds, Davison County

By _____
Deputy

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



