



Planning Commission Agenda
City Council Chambers, City Hall, 612 N. Main Street
August 14, 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: July 24, 2023**
- 6. Schedule Next Meeting: August 28, 2023**
- 7. Variance Permit: Rodney & Mardi Deinert**

Rodney & Mardi Deinert has applied for a variance permit for a side yard corner setback of 8" vs 20' to rebuild a garage in the same place that was struck by a vehicle and had to be demolished; located at 401 S Wisconsin St, legally described as Lot 1, Block 20, Rail Road Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R2 Single Family Residential District.
- 8. Conditional Use Permit: Bradly Bauer**

Bradly Bauer has applied for a Conditional Use Permit to operate a Home Occupation-Gun Repair Shop; located at 189 S Harmon Dr, legally described as Lot 95, Indianhead Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned RL Lake Residential District.
- 9. Rezone: Randy Wittstruck-1201 S Rowley St**

Randy Wittstruck is requesting the following property legally described as; Lots 1 and 2, Block 24, University Addition, City of Mitchell, Davison County, South Dakota; be changed from R3 Medium Density Residential District to HB Highway Business District AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME (1201 S Rowley St).
- 10. Plat: Lots 8A and 8B, Block 6 of Woodland Heights First Addition, a subdivision of Lot 3, Crane's Addition in the SE 1/4 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**
- 11. Other Business:**
- 12. 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.
- 13. 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
July 24, 2023

1. Call to Order

Chairperson Larson called the July 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: Genzlinger, Jirsa (telephonically), Larson, Osterloo, Penney, Schmitz, Sonne.

Absent: Doescher.

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

3. Election of Officers

Election of Chairperson for a 1 year term from July 2023 to June 2024.

Motion by Schmitz, seconded by Genzlinger to nominate Larson as Chairperson.

There being no other nominations, motion by Genzlinger, seconded by Osterloo, that nominations cease and a unanimous ballot be cast. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – abstain, Osterloo – aye, Penney – aye, Schmitz – aye, Sonne – aye. 6 aye, 0 nay, 1 abstain; motion carried.

Election of Vice-Chairperson for a 1 year term from July 2023 to June 2024.

Motion by Osterloo, seconded by Schmitz to nominate Genzlinger as Vice-Chairperson.

There being no other nominations, motion by Schmitz, seconded by Penney, that nominations cease and a unanimous ballot be cast. Roll call vote: Genzlinger – abstain, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – aye, Schmitz – aye, Sonne – aye. 6 aye, 0 nay, 1 abstain; motion carried.

4. Declaration Of Conflicts Of Interests

Genzlinger item #11.

5. Approve Agenda

Motion by Osterloo, seconded by Schmitz 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.

6. Approval of Previous Minutes: June 26, 2023

Motion by Osterloo, seconded by Schmitz to approve the proposed minutes of the June 26, 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.

7. Schedule Next Meeting: August 14, 2023

Motion by Penney, seconded by Sonne to set the date for the next Planning Commission meeting for August 14, 2023. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – aye, Schmitz – aye, Sonne – aye. 7 aye, 0 nay; motion carried.

8. Plan Approval: Bill Wittstruck-1007 S Kimball St; zoned Highway Orientated Business District

Jenniges explained the applicant had the property rezoned in March of 2023 to Highway Business with the intent of building a shed for storage. He had also vacated the alley. There is already a curb cut out for this. The applicant will put gutters on the building and run the water east to the street. The applicant was not present to answer questions.

Motion by Jirsa, seconded by Schmitz 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. Plan Approval: Muth Electric-1400 S Burr St; zoned Highway Oriented Business District

Jenniges explained Muth Electric has purchased the building and are not planning to do any structural changes to the facility, it is just a change of use again. It has to come to the board. The applicant was present to answer questions.

Ron Muth explained Muth Properties is purchasing the building and Muth Electric will be renting the building. It will be a contractor's storage yard and offices. Great location being close to the interstate.

Genzlinger stated he believed this was a better use for the building.

Motion by Genzlinger, seconded by Penney 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.

10. Conditional Use Permit: Latrice Franklin

Latrice Franklin has applied for a conditional use permit to operate a Family Residential Daycare; located at 1522 Pebble Beach Road, legally described as Lot 27, Block 4, Lakeview 1st 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 neighbors, it was published in the official newspaper and sign posted. There were 3 letters returned in favor, two of which did not make the packet but there were no additional comments on them. There was 1 letter returned opposed, said verbally due to increased traffic and noise concerns. The applicant was not present to answer questions.

Fire Marshall Sanoval stated he has not done an inspection on the property but has been in contact to set an inspection up.

Motion by Genzlinger, seconded by Schmitz 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 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.

11. Conditional Use Permit: Bobbie Sperlich

Bobbie Sperlich has applied for a conditional use permit to operate a Family Residential Daycare; located at 2040 W 23rd Ave, legally described as E 100' of Lot B in the SE 1/4 of Section 8, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota. The said real property is zoned R4 High Density Residential District.

Jenniges explained notices were sent out to neighbors, it was published in the official newspaper and sign posted. There were no letters returned. The applicant was present to answer questions.

Fire Marshall Sanoval stated he has not done an inspection and there were no issues.

The applicant stated that she has run a daycare for 15 years and just moving to a new location.

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

12. Variance Permit: CJG Properties LLC

CJG Properties LLC has applied for a variance permit for an accessory building in the front yard and front yard setback of 6' vs 25'; located at 1821 W 8th Ave, legally described as Lots 5 & 6, Block 3, Home Park Original Addition, Davison County, South Dakota. The said real property is zoned R4 High Density Residential District.

Jenniges explained notices were sent out to neighbors, it was published in the official newspaper and sign posted. There were no letters returned that made the packet, an email was received Monday stating they had no issue with the variance. The applicant was not present to answer questions.

Jenniges stated Hegg informed CJG Properties they needed a building permit for the garage they moved in. When the applicant came in, they were informed they also needed a variance for the location. The applicant stated the reason they put it there was because it's close to the house and they aren't sure where the drain field is on the south side of the house for the septic system.

Sonne questioned if there was some penalty the city can enforce for no building permit, Jenniges said he would inquire with Hegg what he does.

Larson stated that Home Park Addition has had plenty of issues in the past. People out there believe they live in the country and can do whatever.

Jirsa stated he believes there is a better location on the site than where is currently located.

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

13. Other Business:

None.

14. Public Input:

None.

15. Adjourn

Chairperson Larson adjourned the meeting at 12:23 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: side yard corner setback of
8' vs 20' to rebuild garage that
was struck by vehicle

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

- Description of Conditional Use: _____

This Application is for the following described real property:

- Legal Description: Lot 1 Block 20, Rail Road Addition,
City of Mitchell, Davison County, South Dakota

- Property Address: 401 S Wisconsin St.

Dated this 19th day of July 2023.

Applicant

Mandi Deenest
Owner



Old garage (18' x 29') struck by vehicle and had to be demolished. New garage size is 24' x 28'.



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 Rodney & Mardi Deinert has applied for a variance permit for a side yard corner setback of 8" vs 20' to rebuild a garage in the same place that was struck by a vehicle and had to be demolished; located at 401 S Wisconsin St, legally described as Lot 1, Block 20, Rail Road 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, August 14, 2023, 12:00 P.M. (Noon) and the Board of Adjustment on Monday, August 21, 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 27th day of July, 2023.

Michelle Bathke

FINANCE OFFICER

Publish once: 2nd day of August, 2023

Approximate Cost:

Rodney & Mardi Deinert
401 S Wisconsin St
Mitchell, SD 57301

Ward Likness
316 S Minnesota St
Mitchell, SD 57301

Sandra Weisz
Leonard Huebsch
617 S Langdon St
Mitchell, SD 57301

Larry Sheldon
612 W Birch Ave
Mitchell, SD 57301

Steven & Julie Anderson
313 S Wisconsin St
Mitchell, SD 57301

Tod & Jeannette Naser
610 W Birch Ave
Mitchell, SD 57301

Stephen Paul
604 W Birch Ave
Mitchell, SD 57301

Jennifer Pettit
600 W Birch Ave
Mitchell, SD 57301

Fred & Margaret Melmer
314 S Wisconsin St
Mitchell, SD 57301

Joshua & Joni Rasmussen
322 S Wisconsin St
Mitchell, SD 57301

Richard & Taya Costello
400 S Minnesota St
Mitchell, SD 57301

Boyd Reimnitz
817 N Sanborn Blvd
Mitchell, SD 57301

Delton Huber
408 S Minnesota St
Mitchell, SD 57301

MB Sigmund LLC
1311 Northridge Rd
Mitchell, SD 57301

Judy Davids
415 S Wisconsin St
Mitchell, SD 57301

Pam Fristad
409 S Wisconsin St
Mitchell, SD 57301

Ronald & Tanda Miller
40970 256th St
Mitchell, SD 57301

Gary & Tracy Jackson
519 W Birch Ave
Mitchell, SD 57301

Teresa Zirpel
408 S Wisconsin St
Mitchell, SD 57301

Dick & Peggy Figland
420 S Wisconsin St
Mitchell, SD 57301

August 2, 2023

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that Rodney & Mardi Deinert has applied for a variance permit for a side yard corner setback of 8" vs 20' to rebuild a garage in the same place that was struck by a vehicle and had to be demolished; located at 401 S Wisconsin St, legally described as Lot 1, Block 20, Rail Road Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R2 Single Family Residential District.

YOU ARE FURTHER NOTIFIED that the City Planning Commission will be conducting a hearing on this application on Monday, August 14, 2023, 12:00 P.M. (Noon) and the Board of Adjustment on Monday, August 21, 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 Todd & Jeannette Naser
OWNER

1610 West Birch Ave, Mitchell
ADDRESS

✓ APPROVE

 DISAPPROVE

COMMENTS:

August 2, 2023

TO WHOM IT MAY CONCERN:

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I/We *Leggy Melmer*
OWNER

314 S Wisconsin
ADDRESS

X APPROVE

 DISAPPROVE

COMMENTS:

August 2, 2023

TO WHOM IT MAY CONCERN:

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I/We Walter & Juber
OWNER

408 S Minnesota - Mitchell, SD
ADDRESS

X APPROVE

_____ DISAPPROVE

COMMENTS:

August 2, 2023

TO WHOM IT MAY CONCERN:

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I/We Ronald L. + Panda G. Miller
OWNER
405 South Wisconsin Street
ADDRESS

☒ APPROVE

☐ DISAPPROVE

COMMENTS:



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: Home Occupation - Gun Repair Shop

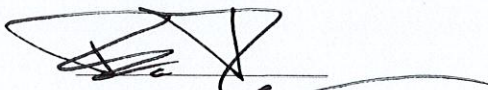
This Application is for the following described real property:

- Legal Description: Lot 95 Indianhead Addition, City of Mitchell
Davison County, South Dakota

- Property Address: 189 S Harman Drive

Dated this 24th day of July, 2023.

Bradley Bauer
Applicant


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 Bradly Bauer has applied for a Conditional Use Permit to operate a Home Occupation-Gun Repair Shop; located at 189 S Harmon Dr, legally described as Lot 95, Indianhead Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned RL Lake Residential District.

YOU ARE FURTHER NOTIFIED, that public hearings will be held by the City Planning Commission on Monday, August 14, 2023, 12:00 P.M. (Noon) and the Board of Adjustment on Monday, August 21, 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 27th day of July, 2023.

Michelle Bathke

FINANCE OFFICER

Publish once: 2nd day of August, 2023

Approximate Cost:

Brad Bauer
189 S Harmon Dr
Mitchell, SD 57301

Todd & Nancy Boyd
600 Oakmond Ave
Mitchell, SD 57301

Tracy Kelly-Christensen
Jane Amick
193 S Harmon Dr
Mitchell, SD 57301

Angela Hotchkiss
195 S Harmon Dr
Mitchell, SD 57301

Linda Mcleod
1307 Ridge Rd
Mitchell, SD 57301

Debra & Jerald Toomey
505 E 2nd Ave
Mitchell, SD 57301

Marcy Jones
1511 S Minnesota St
Mitchell, SD 57301

Wyona & Gordon Lefers
156 S Harmon Dr
Mitchell, SD 57301

Lori Adams
152 S Harmon Dr
Mitchell, SD 57301

James Graves
148 S Harmon Dr
Mitchell, SD 57301

Steven & Susan Haiar
144 S Harmon Dr
Mitchell, SD 57301

Spenser Ball
140 S Harmon Dr
Mitchell, SD 57301

David & Linda Carlson
136 S Harmon Dr
Mitchell, SD 57301

August 2, 2023

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that Bradly Bauer has applied for a Conditional Use Permit to operate a Home Occupation-Gun Repair Shop; located at 189 S Harmon Dr, legally described as Lot 95, Indianhead Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned RL Lake Residential District.

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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 Todd & Nancy Boyd
OWNER

191 South Harmon
ADDRESS

X APPROVE

 DISAPPROVE

COMMENTS:

August 2, 2023

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that Bradly Bauer has applied for a Conditional Use Permit to operate a Home Occupation-Gun Repair Shop; located at 189 S Harmon Dr, legally described as Lot 95, Indianhead Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned RL Lake Residential District.

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I/We *Jamie & John M. Lead*
OWNER

187 South Harmon Drive
ADDRESS

✓ APPROVE

 DISAPPROVE

COMMENTS:

August 2, 2023

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that Bradly Bauer has applied for a Conditional Use Permit to operate a Home Occupation-Gun Repair Shop; located at 189 S Harmon Dr, legally described as Lot 95, Indianhead Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned RL Lake Residential District.

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I/We Jerry & Deb Toomey
OWNER

185 S. Harmon
ADDRESS

X APPROVE

 DISAPPROVE

COMMENTS:



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 R3 District to HB 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: _____

This Application is for the following described real property:

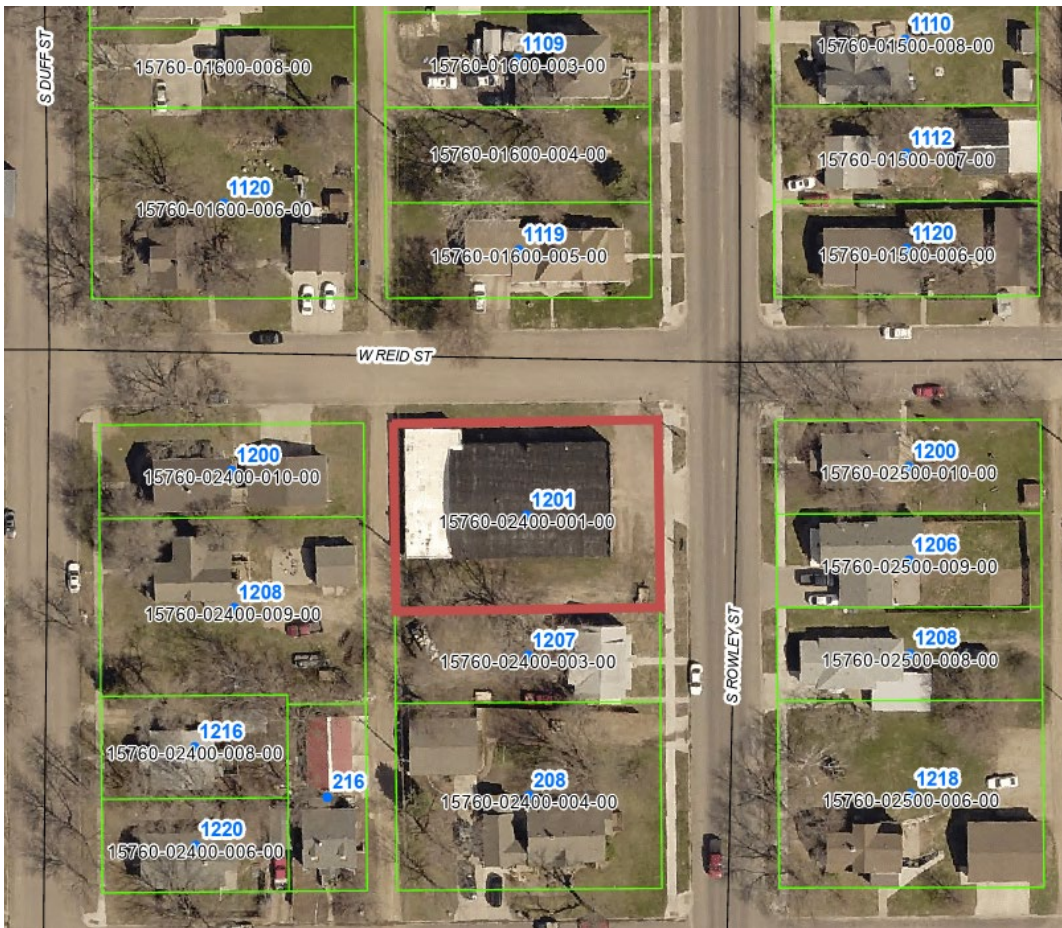
- Legal Description: Lot 1 & 2 Block 24, University Addition
City of Mitchell, Davison County, South Dakota

- Property Address: 1201 S Rowley St

Dated this 26th day of July, 2023.

Randy Wittstuck
Applicant

Frank du J. [Signature]
Owner



5	16	17	18	19	20	21	22	23
300								

8	5
7	200 6

9	6
8	100 7

EAST	
1	101
2	100
3	100
4	100

MCCABE STREET

MCCABE ST.

9	301	1
8B	1	2
8A	1	3
7B	1	4
7A	1	5
6	300	5

10	201	1
9	1	2
8	1	3
7	1	4
6	200	5

10	101	1
9	1	2
8	1	3
7	1	4
6	100	5

REID STREET

REID STREET

10	301	1
9	2	2
8	3	3
7	4	4
6	300	5

10	2	1 1
9	2	2
8	2	3
7	2	4
6	200	5

10	101	1
9	2	2
8	2	3
7	2	4
6	100	5

EAST	
1	101
2	100
3	100
4	100
5	100
6	100

ANDREWS STREET

ANDREWS ST.

12	301	1
11	2	2
10	3	3
9	4	4
8	5	5
7	6	6
6	7	7
5	8	8
4	9	9
3	10	10
2	11	11
1	12	12

12	201	1
11	2	2
10	3	3
9	4	4
8	5	5
7	6	6
6	7	7
5	8	8
4	9	9
3	10	10
2	11	11
1	12	12

12	101	1
11	2	2
10	3	3
9	4	4
8	5	5
7	6	6
6	7	7
5	8	8
4	9	9
3	10	10
2	11	11
1	12	12

SOUTH	
1	101
2	100
3	100
4	100
5	100
6	100

DUFF STREET

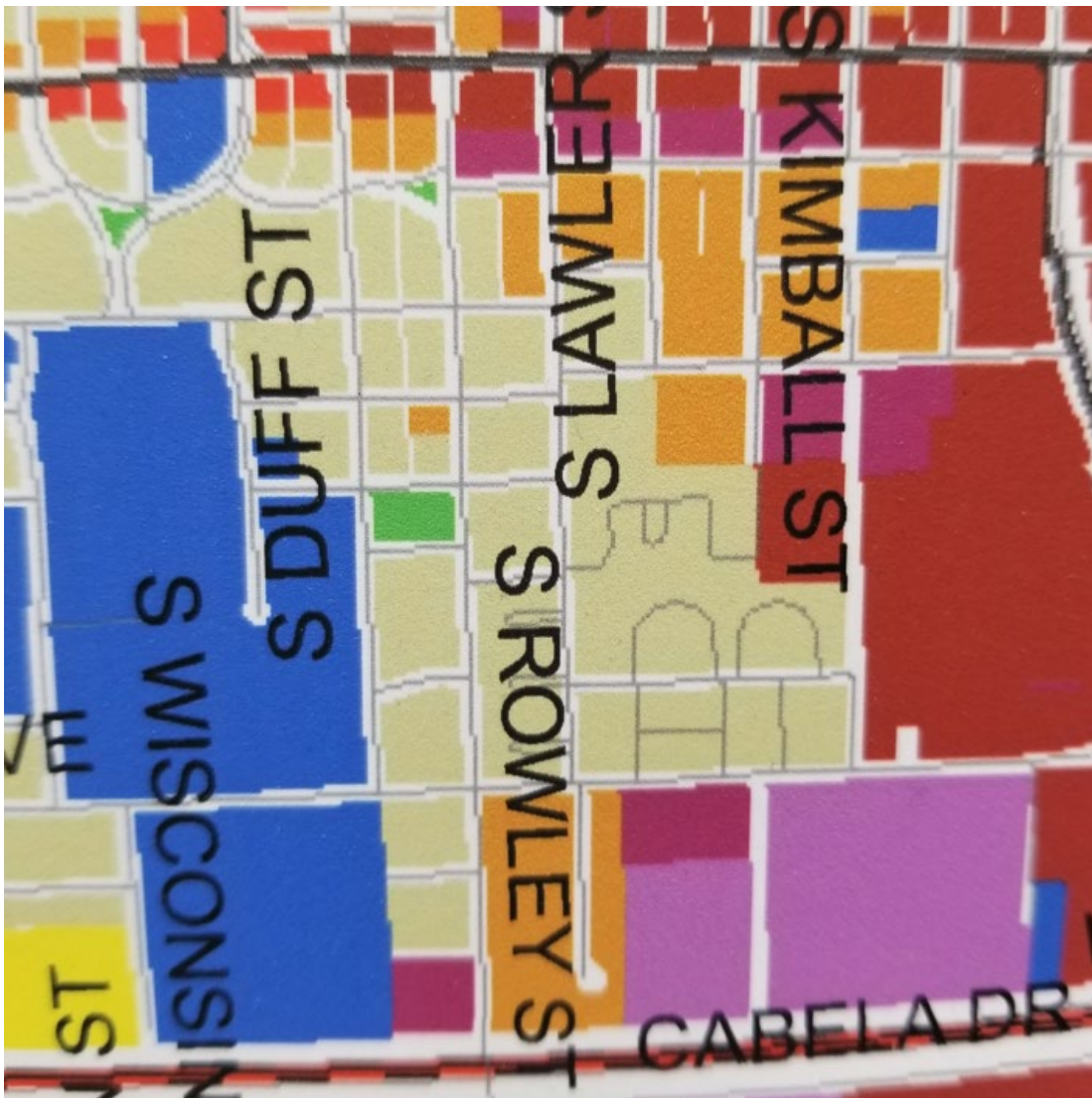
HURST AVE.

1400 14 1

1400 15 2

1400 16 3

1400 17 4



NOTICE OF HEARING

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

The City Planning Commission has scheduled a public hearing and action on the following ordinance. The Planning Commission hearing will be Monday August 14, 2023 at 12:00 p.m., the City Council will consider 1st Reading of the Ordinance on Tuesday, August 21, 2023 at 6:00 p.m. and 2nd Reading and Adoption on Tuesday, September 5, 2023 at 6:00 p.m. all meetings will be held in the Council Chambers, City Hall, 612 N Main St, Mitchell, SD. All interested parties are encouraged to attend the meetings.

ORDINANCE NO. O2023-

AN ORDINANCE OF THE CITY OF MITCHELL, THAT CHANGES THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS; Lots 1 and 2, Block 24, University Addition, City of Mitchell, Davison County, South Dakota; be changed from R3 Medium Density Residential District to HB Highway Business District AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME.

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

Section 1: THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS, Lots 1 and 2, Block 24, University Addition, City of Mitchell, Davison County, South Dakota; be changed from R3 Medium Density Residential District to HB Highway Business District AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME.

Section 2. The City Finance Officer shall publish notice of this ordinance and the same shall be effective 20 days after the completed publication thereof, unless the referendum shall be invoked as provided by law.

Passed and approved this the ____ day of _____, 2023.

MAYOR

ATTEST:

FINANCE OFFICER

{SEAL}

FIRST READING: August 21, 2023
SECOND READING: September 5, 2023
ADOPTION: September 5, 2023

Published three times: August 2, 9 and 23, 2023

Approximate Costs:

Randall Wittstruck
616 S Lawler St
Mitchell, SD 57301

Ryan and Sarah Sowl
1104 S Duff St
Mitchell, SD 57301

DHE Properties LLC
45214 262 St
Canistota, SD 57012

BC Hilde LLC
2957 Dailey Dr
Mitchell, SD 57301

Holly Fechner
1208 S Duff St
Mitchell, SD 57301

Ellis Rentals LLC
1523 S Miller Ave
Mitchell, SD 57301

Caleb & Jennifer Koerner
PO Box 673
Mitchell, SD 57301

RT Capital Inc
1437 E Cherry
Vermillion, SD 57069

Christopher & Amy Pollreisz
208 W Andrews St
Mitchell, SD 57301

HP Rentals LLC
309 E 14th Ave
Mitchell, SD 57301

Elimae Stubbe
1119S Rowley St
Mitchell, SD 57301

Mellissa Schuppan
Jared Nespor
1109 W Rowley St
Mitchell, SD 57301

Mark Weiss
1110 S Rowley St
Mitchell, SD 57301

Jared & Pamela Emmett
214 W Walnut St
Parkston, SD 57366

Andrew & Ann Crothers
1120 S Rowley St
Mitchell, SD 57301

Ronald & Delores Peterson
1961 E Havens Ave
Mitchell, SD 57301

Colleen & William Morrison
2735 Cr 510 Unit 7
Brazoria, TX 77422

Maci McGhee
1208 S Rowley St
Mitchell, SD 57301

Pierson Properties LLC
25908 413th Ave
Ethan, SD 57334

August 2, 2023

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that Randy Wittstruck is requesting the following property legally described as; Lots 1 and 2, Block 24, University Addition, City of Mitchell, Davison County, South Dakota; be changed from R3 Medium Density Residential District to HB Highway Business District AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME (1201 S Rowley St).

YOU ARE FURTHER NOTIFIED that the City Planning Commission will be conducting a hearing on this application on Monday August 14, 2023 at 12:00 p.m., the City Council will consider 1st Reading of the Ordinance on Monday, August 21, 2023 at 6:00 p.m. and 2nd Reading and Adoption on Tuesday, September 5, 2023 at 6:00p.m. all meetings will be held in the Council Chambers, City Hall, 612 N Main St, Mitchell, SD. All interested parties are encouraged to attend the meetings.

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

Randy Wittstruck
OWNER

1119 South Rowley St.
ADDRESS

☐ APPROVE

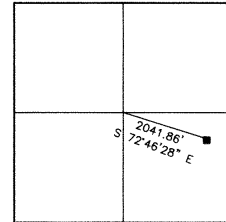
☒ DISAPPROVE

COMMENTS:



(IN FEET)
1 inch = 100 ft.

SEC. 34, T 103 N, R 60 W



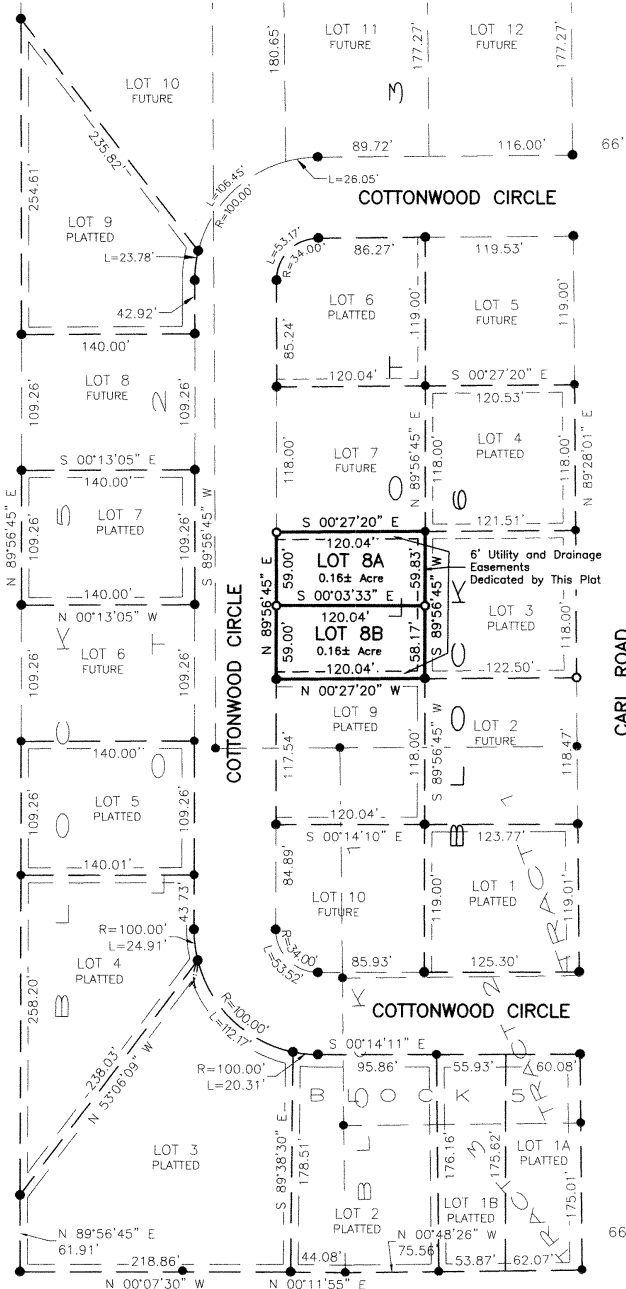
LOCATION MAP
SCALE: 1" = 3000'

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 P/R-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

BEARINGS ARE BASED ON AN
ASSUMED COORDINATE SYSTEM
USING GPS GRID BEARINGS/GRI
DISTANCES

**EASEMENTS WITHIN LOT 8A, BLOCK 6 DEDICATED BY THIS PLAT:**

— 6' UTILITY AND DRAINAGE
EASEMENTS ALONG THE EAST AND
SOUTH SIDES

EASEMENTS WITHIN LOT 8B, BLOCK 6 DEDICATED BY THIS PLAT:

— 6' UTILITY AND DRAINAGE
EASEMENTS ALONG THE WEST AND
SOUTH SIDES

LOTS LABELED AS PLATTED OR
FUTURE ARE AS OF 07/26/2023
WHICH IS THE DATE THIS DRAWING
WAS CREATED

A PLAT OF LOTS 8A AND 8B, BLOCK 6 OF WOODLAND HEIGHTS FIRST ADDITION, A SUBDIVISION OF LOT 3, CRANE'S ADDITION IN THE SE 1/4 OF SECTION 34, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA

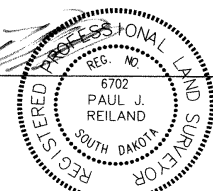
SURVEYOR'S CERTIFICATE

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 Ethan Co-op Lumber Association, Inc., a South Dakota corporation, as owner, and under its direction for purposes indicated therein, I did on or prior to July 26, 2023, survey those parcels of land described as follows: LOTS 8A AND 8B, BLOCK 6 OF WOODLAND HEIGHTS FIRST ADDITION, A SUBDIVISION OF LOT 3, CRANE'S ADDITION IN THE SE 1/4 OF SECTION 34, T 103 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 8TH day of AUGUST, 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

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A PLAT OF LOTS 8A AND 8B, BLOCK 6 OF WOODLAND HEIGHTS FIRST ADDITION, A SUBDIVISION OF LOT 3, CRANE'S ADDITION IN THE SE 1/4 OF SECTION 34, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA

RESOLUTION OF CITY COUNCIL

WHEREAS, it appears that the City Planning Commission of the City of Mitchell, South Dakota, did duly consider and did recommend the approval and adoption of the hereinafter described plat, at its meeting held on the _____ day of _____, 2023; and

WHEREAS, it appears from an examination of the plat of LOTS 8A AND 8B, BLOCK 6 OF WOODLAND HEIGHTS FIRST ADDITION, A SUBDIVISION OF LOT 3, CRANE'S ADDITION IN THE SE 1/4 OF SECTION 34, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as prepared by Paul J. Reiland, a duly licensed Land Surveyor in and for the State of South Dakota, that said plat is in accordance with the system of streets and alleys set forth in the Master Plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota, that the plat of LOTS 8A AND 8B, BLOCK 6 OF WOODLAND HEIGHTS FIRST ADDITION, A SUBDIVISION OF LOT 3, CRANE'S ADDITION IN THE SE 1/4 OF SECTION 34, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul J. Reiland, be and the same is hereby approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

The undersigned hereby certifies 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, City of Mitchell

CERTIFICATE OF COUNTY TREASURER

The undersigned hereby certifies 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

The undersigned hereby certifies that a copy of the plat of LOTS 8A AND 8B, BLOCK 6 OF WOODLAND HEIGHTS FIRST ADDITION, A SUBDIVISION OF LOT 3, CRANE'S ADDITION IN THE SE 1/4 OF SECTION 34, T 103 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 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 _____ 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



