

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 (telephoncially), 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.

A handwritten signature in black ink, reading "Jay A. Larson". The signature is written in a cursive, flowing style.

Jay A. Larson
Planning Commission Chairperson