

Planning Commission Minutes
City Council Chambers, City Hall, 612 N. Main Street
August 14, 2023

1. Call to Order

Chairperson Larson called the August 14, 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, Jirsa (telephonically), Larson, Osterloo, Schmitz, Sonne.

Absent: Genzlinger, Penney.

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

3. Declaration Of Conflicts Of Interests

None.

4. Approve Agenda

Motion by Schmitz, seconded by Sonne to approve the proposed agenda. Roll call vote:

Genzlinger – absent, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – absent, Schmitz – aye, Sonne – aye. 5 aye, 0 nay, 2 absent; motion carried.

5. Approval of Previous Minutes: July 24, 2023

Motion by Osterloo, seconded by Schmitz to approve the proposed minutes of the July 24, 2023 Planning Commission meeting. Roll call vote: Genzlinger – absent, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – absent, Schmitz – aye, Sonne – aye. 5 aye, 0 nay, 2 absent; motion carried.

6. Schedule Next Meeting: August 28, 2023

Motion by Sonne, seconded by Osterloo to set the date for the next Planning Commission meeting for August 28, 2023. Roll call vote: Genzlinger – absent, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – absent, Schmitz – aye, Sonne – aye. 5 aye, 0 nay, 2 absent; motion carried.

7. Variance Permit: Rodney & Mardi Deinert

Rodney & Mardi Deinert have 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.

Jenniges explained notices were sent out to the neighbors, published in the official newspaper and sign posted. There were four responses in favor that made the packet and six that did not make the packet that were in favor. The applicant was present to answer questions.

Jenniges showed a picture of the damaged garage. The applicant wishes to rebuild using the same concrete. The new garage will not be any closer then the previous one was.

The applicant stated they have lived at the house 20 years and the garage was there when the purchased the property.

Motion by Schmitz, seconded by Jirsa to recommend approval of the variance. Roll call vote:

Genzlinger – absent, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – absent, Schmitz – aye, Sonne – aye. 5 aye, 0 nay, 2 absent; motion carried.

8. Conditional Use Permit: Bradley Bauer

Bradley 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.

Jenniges explained notices were sent out to the neighbors, published in the official newspaper and sign posted. There were three responses in favor that made the packet and two that were in favor that did not make the packet. The applicant was present to answer questions.

The applicant stated this would be mainly an online business with not many customers coming to his place. He plans to purchase old guns online and then restore them and sell them. He does not anticipate having a lot of inventory at his place for the business. He is also in the process of getting his FFL.

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

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).

Jenniges explained notices were sent out to the neighbors, published in the official newspaper and sign posted. There was one response opposed that made the packet and one in favor that did not make the packet and one opposed that did not make the packet that had comments on it and was handed out at the meeting. The applicant was present to answer questions.

Jenniges explained the applicant came in to acquire a building permit for the existing building. At this time, the building is a legal-non conforming use and can not have an addition built onto it. This building was a tire business in the past and has been a storage building for quite some time. The applicant would like to use the building for a motorcycle museum, which falls under an indoor recreation facility. A conditional use permit is only allowed for existing buildings within R3, so an addition would not be allowed. Also, non-conforming uses can only get building permits for permitted uses. HB allows indoor recreational facilities as a permitted use. If the zoning is changed, any building permits or changes of use will be brought in front of Planning Commission for approval.

The applicant stated he has over 400 motorcycles in the building and uses it for storage. He would like to open up a free museum for people to come look at all his bikes. He has cleaned up the property and poured some concrete already. He would like to build onto the south side so he has more room for motorcycles.

Schmitz questioned the set-up of the museum, staffing/parking/etc. The applicant said there would be no staff and there could be 10 to 11 parking spaces in front of the building.

Ann Crothers questioned the effect of her property taxes and property value if this got rezoned. She was informed the city does not control this and she would have to talk to the county. She also had questions about traffic in the area in which the applicant said there could be a little more traffic then now.

Jirsa questioned the age of the building, which the applicant stated was built in 1925.

Schmitz asked Hegg if there would be any code issues? Hegg stated that there could be a two hour firewall needed on the south side of the proposed addition. A life safety code review by an architect could be required depending on the size of addition and that is required and governed by the South Dakota Board of Professionals.

Larson stated he does not support spot zoning and in the past this board has been opposed to it as well.

Motion by Osterloo, seconded by Sonne to recommend approval of the rezone. Roll call vote: Genzlinger – absent, Jirsa – nay, Larson – nay, Osterloo – nay, Penney – absent, Schmitz – aye, Sonne – nay. 1 aye, 4 nay, 2 absent; motion failed.

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

Jenniges explained a duplex is being built on this lot, so they are subdividing it for the sale of the two halves. The applicant was not present to answer questions.

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

11. Other Business:

Jenniges discussed the South Dakota Planners Association meeting being held in Mitchell in October. He will send out the proposed agenda again for any other board members to request to attend.

12. Public Input:

None.

13. Adjourn

Chairperson Larson adjourned the meeting at 12:26 P.M.



Jay A. Larson
Planning Commission Chairperson