



Planning Commission Minutes
City Council Chambers, City Hall, 612 N. Main Street
September 11, 2023

1. Call to Order

Chairperson Larson called the September 11, 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: August 28, 2023

Motion by Osterloo, seconded by Sonne to approve the proposed minutes of the August 28, 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: September 25, 2023

Motion by Osterloo, seconded by Schmitz to set the date for the next Planning Commission meeting for September 25, 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. Plat: Lots B and C of Johnson's subdivision in the NE 1/4 of Section 11, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota; as requested by Neal Johnson

Jenniges explained this is outside the ETJ but within 3 miles of the city limits. The County Planning Commission approved the plat at their previous meeting and County Commission will hear it on September 19.

Motion by Schmitz, seconded by Sonne 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.

8. Rezone: Jensen Capital & Development LLC-SE corner of Urbana Drive and E Spruce St

Jensen Capital and Development LLC is requesting the following property legally described as; Lot 23 of Starlite Estates in the NW ¼ of Section 34, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota; be changed from UD Urban District to HB Highway Business District AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME (SE Corner of Urbana Drive and E Spruce St).

Jenniges explained notices were sent out to the neighbors, it was published in the official newspaper and sign posted. There was one letter returned against the proposal requesting more information. The applicant was present to answer questions.

Jenniges said the applicant would like to rezone to better utilize the setbacks of HB vs UD for multi-family housing. In both districts, multi-family housing requires a CUP. They would enter off of Spruce St, not Urbana Dr. The applicant will have to apply for a CUP and also since it is HB District Planning Commission will have to approve the plans.

Jeremy Jensen stated the rezone will be for multi-family housing like up on 20th and 21st Ave. It will be 10 units and no new traffic down Urbana Drive.

Motion by Schmitz, seconded by Jirsa to recommend approval of the rezone. 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. Variance Permit: Jason & Summer Greenway

Jason Greenway has applied for a Variance Permit for a front yard setback of 25' vs 35' for the northwest corner of the garage due to radius corner intersection and to line up with neighbors' houses; located at 5740 Island Court, legally described as Lot 47, Island First Addition, a subdivision of the SE ¼ of Section 31, T 104 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. The said real property is zoned UD Urban Development District.

Jenniges explained notices were sent out to neighbors, was published in the official newspaper and sign posted. There were two responses in favor that made the packet and one response against that did not make the packet but was emailed to all members prior to the meeting as well as handed out at the meeting. The applicant was present to answer questions.

Jenniges showed a GIS view of the area and a layout of the proposed house and garage as they pertain to the setbacks from the lot. He reminded the board this was hand drawn and not exact measurements; a surveyor would be needed to verify it.

Sonne voiced his concerns about approving a variance for a lot that may not need a variance for them to build on within the setbacks.

Jeff Bathke said approving the variance would block his view. He acknowledged he knew

someone would build on that lot and was okay with it if they built following the required setbacks. He cited the city ordinance as well as the convenience for the development, noting that variances should not be needed for new construction since they can build within the boundaries or purchase more land. He also voiced his concern with the plats that have been approved for the development. That code says they should be 150' in width and only four in the development are.

Chuck Mauszycki Sr said it's only a corner of the garage that requires the variance or the the owner would have to remove the third stall of the garage. He tried to rezone the development a few years prior to alleviate some of these potential issues. He doesn't believe the variance will affect anyone's view. Jenniges noted that if it would have been rezoned to RL, the front setback would be 30' because there is no lake access and a variance would still be needed because they are building to 25' including overhang.

Wes Morgan is the builder on the site and said they believe it's 8' that is needed, not the 10'. The variance is so the front of the houses will line up.

Jason Greenway said he has just moved back to the area and wants to keep the front of the houses lined up. He believes that moving the house to the east will block more views of the people to the south than the requested variance blocking the view of Bathke. He is building the house just over the required minimum size requirement per covenant.

Jirsa is not in favor of the variance and believes that there could be some design solutions to avoid the need for a variance.

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

10. Other Business:

None.

11. Public Input:

Stacy Harris voiced her opposition to annexing the NE 1/4 including Irregular Tract 1 lying within, Section 36, T 104 N, R 61 W of the 5th P.M., Davison County, South Dakota for a shooting range. She noted that County Planning and Zoning unanimously voted against the CUP.

12. Adjourn

Chairperson Larson adjourned the meeting at 12:34 P.M.



Jay A. Larson
Planning Commission Chairperson