



Planning Commission Minutes
City Council Chambers, City Hall, 612 N. Main Street
September 25, 2023

1. Call to Order

Chairperson Larson called the September 23, 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, Larson, Osterloo, Schmitz (telephonically), Sonne.

Absent: Genzlinger, Jirsa, Penney

Staff Present: Dammann, Mayor Everson, Hegg, Jenniges.

3. Declaration Of Conflicts Of Interests

Sonne for item #8.

4. Approve Agenda

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

Genzlinger – absent, Jirsa – absent, Larson – aye, Osterloo – aye, Penney – absent, Schmitz – aye, Sonne – aye. 4 aye, 0 nay, 3 absent; motion carried.

5. Approval of Previous Minutes: September 11, 2023

Motion by Sonne, seconded by Osterloo to approve the proposed minutes of the September 11, 2023 Planning Commission meeting. Roll call vote: Genzlinger – absent, Jirsa – absent, Larson – aye, Osterloo – aye, Penney – absent, Schmitz – aye, Sonne – aye. 4 aye, 0 nay, 3 absent; motion carried.

6. Schedule Next Meeting: October 10, 2023

Motion by Osterloo, seconded by Sonne to set the date for the next Planning Commission meeting for October 10, 2023. Roll call vote: Genzlinger – absent, Jirsa – absent, Larson – aye, Osterloo – aye, Penney – absent, Schmitz – aye, Sonne – aye. 4 aye, 0 nay, 3 absent; motion carried.

7. Variance Permit: Dalton Warren & Mandy Stevens

Dalton Warren & Mandy Stevens have applied for a Variance Permit for a side yard setback of 0' vs 3' and a side corner yard setback of 9'-4" vs 20' to construct a 38' deep by 30' garage; located at 321 E 9th Ave, legally described as Lot 1, Block 16, D A Scotts 1st Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R2 Single Family Residential District.

Jenniges noted that a notice was sent out to the neighbors, it was published in the official newspaper and sign posted. There were 3 letters in favor that made the packet and 1 letter opposed that did not make the packet but was handed out at the meeting. The applicant was present to answer questions.

Hegg noted that with a 0' setback on the west side a fire wall would be required and no windows and doors can be on that side unless rated appropriately.

Osterloo stated he was not a fan of 0' setback but had no issues with the 9'-4" setback.

Jenniges noted that because of the way it was noticed to the public they can't shift the project 3' to the east to accommodate that.

Dalton Warren said they have 5 daughters and need room for vehicles to park. There is a power pole on the south of their property that makes it difficult for a garage to face south.

Motion by Larson, seconded by Sonne to recommend approval of the variance. Roll call vote: Genzlinger – absent, Jirsa – absent, Larson – nay, Osterloo – nay, Penney – absent, Schmitz – nay, Sonne – nay. 0 aye, 4 nay, 3 absent; motion failed.

8. Rezone: NJM Properties LLC-land abutting 2400 and 2424 W Spruce owned by NJM Properties LLC.

NJM Properties LLC is requesting the following property legally described as; Lot 1 of R L Decker 1st Addition in the SE ¼ of Section 29, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota; be changed from HB Highway Business District to UD Urban Development District AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME (land abutting 2400 and 2424 W Spruce owned by NJM Properties LLC).

Due to lack of quorum, this agenda item was postponed, but Thomas Flint and Merl Beschen stated they had questions about drainage in the area and Jacob Sonne acknowledged he is working on the project and would be willing to discuss their concerns.

9. Variance Permit: Candice George

Lincoln Neugebauer on behalf of Candice George has applied for a Variance Permit for a rear yard setback of 19' vs 25' and side corner yard setback of 8' vs 15' to build an attached garage; located at 1203 N Sanborn Blvd, legally described as Lot 12, Block 26, Capital Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R4 High Density Residential District.

Jenniges noted that a notice was sent out to the neighbors, it was published in the official newspaper and sign posted. There were four letters returned in favor of the variance. The applicant was present to answer questions.

Jenniges said access to the Garage will still be from the north alley and no new access from Sanborn Blvd. He noted that if it were a detached garage the rear yard setback would only be 16'.

Lincoln Neugebauer stated they would like to build an attached garage to keep their vehicles from getting hailed on and out of the other elements. The only parking space they have is on the north side of the property. When Sanborn Blvd was completed, they put no parking in front

of their place.

Schmitz attended the meeting in person at 12:18 P.M.

Sonne noted that a variance for side corner yard setback was approved in the area a few years ago.

Motion by Sonne, seconded by Osterloo to recommend approval of the variance. Roll call vote: Genzlinger – absent, Jirsa – absent, Larson – aye, Osterloo – aye, Penney – absent, Schmitz – aye, Sonne – aye. 4 aye, 0 nay, 3 absent; motion carried.

10. Conditional Use Permit: Jeffery & Mary Lanning

Jeffery & Mary Lanning have applied for a Conditional Use Permit to operate a Home Occupation-Yoga Studio; located at 76 S Harmon Dr, legally described as Lot 5, Block 4, Indianhead 2nd Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned RL Lake Residential District.

Jenniges noted that a notice was sent out to the neighbors, it was published in the official newspaper and sign posted. There was one response in favor that did not make the packet but had no comments on it. The applicant was present to answer questions.

Jeff Lanning stated his wife is a certified yoga instructor and would like to hold some classes once in a while. At this time they are planning on it being a couple times a week for about 6 people and the session would last about a hour long. They have an oversized driveway that can accommodate the parking.

Motion by Schmitz, seconded by Sonne to recommend approval of the conditional use. All present voting aye; motion carried.

11. Plat: Tract A and Tract B, Big Dog subdivision; as requested by Big Dog Concrete LLC

Jenniges explained the applicant is dividing an existing plat. There are two owners for the property, so they are dividing the building down the middle wall. Each parcel has ingress/egress. This is zoned TWC, side yard setback is 0' so the plat is in compliance with the ordinance. The applicant was present to answer questions.

Schmitz questioned if there was a dividing wall, which was answered yes, and also questioned if that wall needed to be fire rated. Hegg noted that it's probably not because there was one owner before and now there are two separate owners. It was noted that the board is just approving the plat, building inspector will follow up on building code portion.

Motion by Osterloo, seconded by Schmitz to approve the plat. All present voting aye; motion carried.

12. Approval of Master Plan: Maui Farms Inc-Maui Farms Second Addition

Jenniges explained the master plan is outside the city limits but within the ETJ so the city has zoning jurisdiction. The applicant is copying the layout of the development to the south. If the plat is approved, the applicant will annex the land into city limits, enter into a developers

agreement and rezone the property to the existing PUD to the south, which will come before the boards again. The applicant was present to answer questions.

Motion by Schmitz, seconded by Sonne to approve the master plan. Roll call vote: Genzlinger – absent, Jirsa – absent, Larson – aye, Osterloo – aye, Penney – absent, Schmitz – aye, Sonne – aye. 4 aye, 0 nay, 3 absent; motion carried.

13. Plat: Blocks 1 and 2 of Maui Farms Second Addition and a portion of Sam Street; as requested by Maui Farms Inc

Jenniges explained this goes along with item #12 on the agenda, this is the plat portion.

Motion by Osterloo, seconded by Schmitz to approve the plat. All present voting aye; motion carried.

14. Plat: Lot 22, Block 7 of Westwood First addition, and a portion of West 15th Avenue; as requested by CJM Consulting Inc

Jenniges explained the board will have a TIF in front of them at their next meeting and this plat is to help clean up the legal boundaries of the TIF. It also plats out 15th Ave, which is what the TIF will be used for. At this time there are no development plans for the new Lot 22 and any development will require a site plan and elevation certificate. The applicant was present to answer questions.

Motion by Sonne, seconded by Osterloo to approve the plat. All present voting aye; motion carried.

15. Other Business:

None.

16. Public Input:

None.

17. Adjourn

Chairperson Larson adjourned the meeting at 12:36 P.M.



Jay A. Larson
Planning Commission Chairperson