



Planning Commission
City Council Chambers, City Hall, 612 N. Main Street
October 23, 2023

1. Call to Order

Vice-Chairperson Genzlinger called the October 23, 2023 City Planning Commission Meeting to order at 12:02 P.M. 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, Genzlinger, Jirsa, Osterloo, Penney, Schmitz.

Absent: Larson, Sonne.

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

3. Declaration Of Conflicts Of Interests

Jirsa item # 11.

4. Approve Agenda

Motion by Schmitz, seconded by Penney to approve the proposed agenda. All present voting aye; motion carried.

5. Approval of Previous Minutes: October 10, 2023

Motion by Jirsa, seconded by Schmitz to approve the proposed minutes of the October 10, 2023 Planning Commission meeting. All present voting aye; motion carried.

6. Schedule Next Meeting: November 13, 2023

Motion by Osterloo, seconded by Penney to set the date for the next Planning Commission meeting for November 13, 2023. All present voting aye; motion carried.

7. Plan Approval: Bradley's Pub & Grille, 514 N Main St, zoned CB Central Business

Jenniges explained SHPO's preliminary review and requested an 11.1 case report. The Historic Planning Commission agreed with the 11.1 case report and SHPO still said the project will encroach upon damage or destroy a historic building. Council approved R2023-74 unanimously on October 16, 2023 to approve the project to move forward. The certified letter has been sent to SHPO and waiting for confirmation of receipt of the letter to start the 10 day waiting period. The applicant was present to answer questions.

All present voting aye; motion carried.

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).

Jenniges noted that a notice was sent out to the neighbors, it was published in the official newspaper and sign posted. This application was postponed at a previous meeting due to lack of quorum and had to be noticed again. There was 1 letter received in favor and 1 letter received that wanted more information. The applicant was not present to answer questions.

Jenniges noted the applicant had explained they wanted to use the land for self storage and outside commercial storage. Self storage requires a conditional use permit in HB and UD. However, outside commercial storage is a conditional use permit in UD, in HB it is not permitted or a conditional use permit. They also mentioned the possibility of creating a couple more residential lots up front. The ingress/egress easement would have to be modified.

Thomas Flint, neighbor to the west, presented his letter of approval at the meeting. He stated he had talked with the applicants about their proposed plans and has no issues as long as drainage is done correctly and no new water drains onto his land from the development.

Jenniges noted SPN is working with the applicant to come up with a drainage plan for the site. Flint also stated he had talked to Candice Cross, a neighbor that uses the ingress/egress easement, and she has concerns about the road if the storage units do get approved.

Jenniges noted that the applicant is capable to widen or move the road and have a new easement drawn up if needed, but this would be a civil matter.

Merl Bechen stated his concern is drainage in the area.

Motion by Jirsa, seconded by Schmitz to recommend approval of the rezone. All present voting aye; motion carried.

9. Rezone: Maui Farms Inc, land abutting to the northwest of 5829 Sam St

Maui Farms Inc is requesting the following property legally described as; Blocks 1 and 2 of Maui Farms Second Addition and a portion of Sam Street, a subdivision of previously platted lot 4 in the East 1/2 of the West 1/2 of Section 31, T 104 N, R 60 W of the 5th P.M., Davison County, South Dakota; be changed from UD Urban Development District to Lot S, Maui Farms Second Addition Planned Development District AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME (land abutting to the northwest of 5829 Sam St).

Jenniges noted that a notice was sent out to the neighbors, it was published in the official newspaper and sign posted. There was 1 letter received in favor. The plat was approved at a recent meeting and on October 2, 2023 City Council approved the annexation. The applicant was not present to answer questions.

Jenniges said the applicant would like to expand the development of storage sheds. The road will be assessed to abutting land owners and no one in the existing PUD will be assessed for it

or change their taxes because of this development expansion.

Motion by Penney, seconded by Schmitz to recommend approval of the rezone. All present voting aye; motion carried.

10. Hearing and Recommendation: an Ordinance Amending 10-9D-1, Lot S, Maui Farms Second Addition

Maui Farms Inc is requesting to amend Lot S, Maui Farms Second Addition Planned Development District by changing 10-9D-1 Legal Description from "Lot S, Maui Farms Second Addition, A Subdivision of the Southeast Quarter (SE $\frac{1}{4}$), Section 31, and Previously Platted Lot 4 in the East $\frac{1}{2}$ of the West $\frac{1}{2}$ of Section 31, Township 104 North, Range 60 W of the 5th P.M., Portions of which lie within the city limits of Mitchell, Davison County, South Dakota." to "Lot S, Maui Farms Second Addition, A Subdivision of the Southeast Quarter (SE $\frac{1}{4}$), Section 31, and Previously Platted Lot 4 in the East $\frac{1}{2}$ of the West $\frac{1}{2}$ of Section 31, Township 104 North, Range 60 W of the 5th P.M., Portions of which lie within the city limits of Mitchell, Davison County, South Dakota and Blocks 1 and 2 of Maui Farms Second Addition and a portion of Sam Street, a subdivision of previously platted lot 4 in the East $\frac{1}{2}$ of the West $\frac{1}{2}$ of Section 31, T 104 N, R 60 W of the 5th P.M., Davison County, South Dakota.

Jenniges noted that a notice was sent out to the neighbors, it was published in the official newspaper and sign posted. There were 5 letters received in favor. By approving the rezone the legal description in the PUD needs to be amended to include a new legal description being added. This is a procedural item in conjunction with item #9 on the agenda. The applicant was not present to answer questions.

Motion by Schmitz, seconded by Jirsa to recommend approval of the rezone. All present voting aye; motion carried.

11. Plan Approval: Evers Warehouse Units, 2700 N Main St, zoned HB Highway Business

Jenniges refreshed the board's memory of what has taken place at this location over the past year. There was a variance and conditional use permit awarded for a telecommunications tower. An easement is shown on the plans. Also it had been replatted from 2 parcels into 1 parcel. The applicant would like to build a 60' x 120' building and separate it into 4-30' wide units, one of which being a bar/casino. The applicant was present to answer questions.

Jirsa, being the architect on the project, said they would like to do the build out in two phases. They would like to get the dirt work/grading and outside shell of the building done this fall so they can design and finish the interior of the building over the winter.

Motion by Osterloo, seconded by Penney to approve the plan. All present voting aye, Jirsa abstain; motion carried.

12. Plan Approval: Jokerz Casino, 716 N Rowley St, zoned CB Central Business

Jenniges went over the plans for the proposed addition to the south side of the building. The north half of the building is a medical marijuana dispensary and the south side is a bar/casino. This addition will be a 16' x 25' enclosed addition with a couple of garage doors to be able to

open up. They are not altering the existing building and utilizing the existing double doors as the entrance into the new addition. The applicant was not present to answer questions.

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

13. Plan Approval: Roeder, 2200 W Havens Ave, zoned HB Highway Business

Jenniges noted the applicants would like to create a three seasons porch that will give them some more privacy since a lot of the trees on the neighboring property have been cut down. The addition meets all setbacks. The applicant was present to answer any questions.

Motion by Jirsa, seconded by Penney to approve the plan. All present voting aye; motion carried.

14. Plan Approval: Hohn Brothers LLC (Larry's I-90), 900 Block of E Kay Ave, zoned HB Highway Business

Jenniges noted the applicants would like to build a 60' x 160' pole shed for their business and personal storage. The shed will meet all setbacks, the applicants will just have to remove some trees on the north side of the property. Because this is a shed over 50' wide, a structurally stamped plan will be required to issue a building permit. The applicant was present to answer questions.

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

15. Other Business:

Jenniges handed out an agenda to those attending the South Dakota Planners Association Conference which starts Tuesday night and ends around noon on Thursday. It is being held at the Highland Conference Center.

16. Public Input:

None.

17. Adjourn

Vice-Chairperson Genzlinger adjourned the meeting at 12:27P.M.



Kevin Genzlinger
Planning Commission Vice-Chairperson