



Planning Commission
City Council Chambers, City Hall, 612 N. Main Street
March 11, 2024

1. Call to Order

Chairperson Larson called the March 11, 2024 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 (telephonically), Larson, McCardle, Osterloo.

Absent: Doescher, Havlik, Schmitz, Sonne

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

3. Declaration Of Conflicts Of Interests

None.

4. Approve Agenda

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

5. Approval of Previous Minutes: February 26, 2024

Motion by Genzlinger, seconded by Osterloo to approve the amended minutes of the February 26, 2024 Planning Commission Meeting. Roll call vote: Genzlinger – aye, Havlik – absent, Jirsa – aye, Larson – aye, Osterloo – aye, Schmitz – absent, Sonne – absent. 4 aye, 0 nay, 3 absent; motion carried.

6. Schedule Next Meeting: March 25, 2024

Motion by Jirsa, seconded by Osterloo to set the date for the next Planning Commission Meeting for March 25, 2024. Roll call vote: Genzlinger – aye, Havlik – absent, Jirsa – aye, Larson – aye, Osterloo – aye, Schmitz – absent, Sonne – absent. 4 aye, 0 nay, 3 absent; motion carried.

7. Plat: Tract 1 of Tupper's Addition, in the NE 1/4 of the NE 1/4 of Section 8, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota; as requested by Focus Land & Cattle LLC

Jenniges noted this lies outside the ETJ but within 3 miles of the city limits, therefore it is the

county's zoning jurisdiction. The applicant is parceling off the farmstead to be able to sell in the future. The County Planning Commission approved the plat and recommended approval of the variance in lot size for a dwelling at their March 5, 2024 meeting. The County Commission/Board of Adjustment will hear them on March 12, 2024. The applicant was not present to answer questions.

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

8. Conditional Use Permit: Tara Volesky

Tara Volesky has applied for a Conditional Use Permit for multi-family dwelling; located at 2221 E Havens Ave, legally described as Lot 2 in the NE ¼ & Lot 3B in the NW ¼ of the NE ¼ Ex H-1 & W 7 Rods of Lot 1 in the NE ¼ & W 7 Rods of the NE ¼ of NE Ex H1 of Section 26, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota. The said real property is zoned UD Urban Development District.

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 that is included in the packet. The applicant was present to answer questions.

Jenniges also noted that this is the first phase of the applicants' process for developing the land. She has presented a few different ideas for the property which would require the CUP.

Volesky stated she has had a surveyor out there multiple times and has changed the layout of lots multiple times. She is looking at putting duplexes or other multi-family dwellings out there.

Larson questioned if she would be using a septic system, to which was answered that she is working with the city and Davison County Rural Water about her options for the development of the area.

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

9. Conditional Use Permit: Erika Hennessey

Erika Hennessey has applied for a conditional use permit to operate an Educational Institution, located at 1325 Palmer Place, legally described as Lot 5 and West 3' of Lot 4, Block 8, Gardenview 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 received in favor that made the packet and 1 letter in favor that did not make the packet. The applicant was not present to answer questions.

Jenniges explained that the applicant has run a home residential daycare for many years and in May 2023 she was approved for a CUP for Childcare, Preschool & Nursery. The applicant will follow the state guidelines for homeschool which allow up to 22 children and all must be

over the age of 3.

Motion by Genzlinger, seconded by Jirsa 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, Havlik – absent, Jirsa – aye, Larson – aye, Osterloo – aye, Schmitz – absent, Sonne – absent. 4 aye, 0 nay, 3 absent; motion carried.

10. Plat: Lot 1A in Block 3 of Stardust Subdivision to the City of Mitchell, Davison County, South Dakota; as requested by Jensen Capital & Development LLC

Jenniges gave the history of the area. This parcel is within a PUD that was recently amended to allow unlimited multifamily dwellings. The purpose of this plat is for the development of a 95-unit apartment building. The city staff are reviewing the proposed apartment building plans. The applicant was not present to answer questions.

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

11. Plat: Portion of North Capital Street, a subdivision of Lot 14, except the West 40 feet, Block 1, Scott's Second Addition to the City of Mitchell, Davison County, South Dakota; as requested by City of Mitchell

Jenniges noted there are multiple residential developments that abut Capital Street and the street width ranges from 80' to 48' wide in places. This portion of land was never platted as ROW but has been used as ROW for many years and is currently just part of a platted block that the City of Mitchell owns. The purpose of this plat is to clean up the confusion and designate it as public ROW. The applicant was present to answer questions.

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

12. Plat: Lots A, B, and C of Fawn Creek Addition, a subdivision of previously platted Lot No. 3, in the West 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; and Lots D and E of Fawn Creek Addition, a subdivision of previously platted Lot No. 3 and of Irregular Tract No. 2 within Lot No. 3, in the West 1/2 of the West 1/2 of Section 31, T 104 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota; as requested by City of Mitchell

Jenniges noted portions of this plat are within city limits and portions are outside city limits but within the ETJ. The county will hear this plat at their April meetings, but it is all the city's zoning jurisdiction. The plat shown in the packet is missing the Highway Road Authority signature block but has since been fixed. A lot of this land has not been platted and this will clean up the legal descriptions of the area. There was some land exchanged between Ralph and Pam Kiner and Nicole Kiner prior to platting. This will vacate some existing boundary lines and plat new boundaries for that land exchange. There is an ingress/egress easement from 406th Ave to Lot B, D and E. The applicant was present to answer questions.

Schroeder noted the City is in the process of purchasing Lot A from Ralph and Pam Kiner.

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

13. Plat: West Plum Avenue; Lots 13-A thru 26-A, Block 2; Lots 1-A thru 7-A, Block 3; and Drainage Tract 1-A, Block 4, MLC Addition, a subdivision of Block 3; Lot 4B, Block 4; and Block 5, Morningview Addition to the City of Mitchell, Davison County, South Dakota; as requested by Mueller Lumber Company

Jenniges noted a master plan and plat had previously been approved for this area but the applicant would like to move the road 10' south on the west end to give those lots on the north side of the street some more depth. The previous plat will be vacated for ease of searching the area in the future at the Register of Deeds. There are some utilities already in place in this area that the applicant will be responsible for moving. The lots still meet the required size for the PUD for this area. The applicant was present to answer questions.

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

14. Plat: Lots 1 through 6, Block 1-A; Lots 1 through 10, Block 1-B, Tract DR1-A; Block 2-A; Lots 1 through 9, Block 3-A; Lots 1 and 2, Block 4-A; Lots 1 through 13, Block 5-A; Block 6-A; Nagle Lane; Peace Place; Nursia Drive; and North Calhoun Street, all in Ridge View on Foster Addition in the NW 1/4 of Section 23, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota; as requested by Avera Queen of Peace

Jenniges went over the history of the area and the plat that had previously been approved.

The previous plat will be vacated for ease of searching the area in the future at the Register of Deeds. This plat also vacates Wallace St and creates a different entry location onto E 8th Ave. The applicant was present to answer questions.

Terry Sabers of MAHI gave a brief history of the overall project. He said the neighbors had some issues with the previous layout, so they redesigned it to this better layout that the neighbors are in favor of. He noted there is a lawsuit with the previous plat.

Osterloo questioned why Wallace St had to be vacated, to which Sabers responded it was a \$500,000 expense for the developer if it wasn't vacated, and it widened the lots along 8th by doing so. Osterloo believed there is enough room in the lots to not have to vacate Wallace St.

Genzlinger questioned if it was the block length that the lawsuit was about, to which Sabers answered that it was. Sabers also said that if the plat is approved, the lawsuit will be dropped. Also, all the lots along E 8th Ave will be built by MTC.

Schroeder noted Publid Works has no issues with the new layout and does not affect any of the utilites in the area or for the future development. There is an easement in place for the utilities on the vacated portion of Wallace St.

Larson expressed that he is usually not in favor of vacating roads and would like to see the city

get the east 33' of the vacation.

Osterloo stated he is not in favor of the vacation Wallace St with this plat.

Motion by Genzlinger, seconded by Osterloo to approve the plat. Roll call vote: Genzlinger – aye, Havlik – absent, Jirsa – aye, Larson – aye, Osterloo – nay, Schmitz – absent, Sonne – absent. 3 aye, 1 nay, 3 absent; motion carried.

15. Other Business:

None.

16. Public Input:

None.

17. Adjourn

Chairperson Larson adjourned the meeting at 12:37 P.M.

A handwritten signature in cursive script, reading "Jay A. Larson".

Jay A. Larson
Planning Commission Chairperson