



Planning Commission
City Council Chambers, City Hall, 612 N. Main Street
June 24, 2024

1. Call to Order

Chairperson Larson called the June 24, 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: Doescher, Genzlinger, Jirsa (telephonically), Larson, Osterloo, Schmitz, Sonne.

Absent: Havlik

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

3. Declaration Of Conflicts Of Interests

Sonne items #10 and 12.

Jirsa Item #10.

4. Approve Agenda

Motion by Schmitz, seconded by Genzlinger to approve the proposed agenda. Roll call vote: Genzlinger – aye, Havlik – absent, Jirsa – aye, Larson – aye, Osterloo – aye, Schmitz – aye, Sonne – aye. 6 aye, 0 nay, 1 absent; motion carried.

5. Approval of Previous Minutes: June 10, 24

Motion by Sonne, seconded by Osterloo to approve the proposed minutes of the June 10, 2024, 2024 Planning Commission Meeting. Roll call vote: Genzlinger – aye, Havlik – absent, Jirsa – aye, Larson – aye, Osterloo – aye, Schmitz – aye, Sonne – aye. 6 aye, 0 nay, 1 absent; motion carried.

6. Schedule Next Meeting: July 8, 2024

Motion by Schmitz, seconded by Genzlinger to set the date for the next Planning Commission Meeting for July 8, 2024. Roll call vote: Genzlinger – aye, Havlik – absent, Jirsa – aye, Larson – aye, Osterloo – aye, Schmitz – aye, Sonne – aye. 6 aye, 0 nay, 1 absent; motion carried.

7. Conditional Use Permit: Angie Moon

Angie Moon has applied for a conditional use permit to operate a Family Residential Daycare; located at 1024 Palmer Place, legally described as Lot 2 & W 13' of Lot 3, Block 1, Cedar Heights Subdivision, 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 three letters that made the packet, two in favor and one with traffic concerns. There were also three letters that were returned in favor that did not make the packet but had no comments. The applicant was not present to answer questions.

Jenniges said she has operated a family residential daycare on Quiett Lane for a number of years and there have been no issues, she is just moving to a new location.

Genzlinger asked if an inspection has been completed, which was answered it has not, but they are working to set up a time.

Motion by Sonne, seconded by Genzlinger 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 – aye, Sonne – aye. 6 aye, 0 nay, 1 absent; motion carried.

8. Variance Permit: Tor Tovsland

Tor Tovsland has applied for a Variance Permit for accessory buildings of 2,640 square feet vs 2,000 square feet to build a new accessory building of 1,440 square feet. This is located 1312 Roland Lane, legally described as Lot 3, Block 4, Firesteel Heights Subdivision, City of Mitchell, Davison County, South Dakota. The said real property is zoned R3 Medium 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 five letters that made the packet that were not in favor. There were also two letters that did not make the packet, one in favor and one opposed but had no comments. The applicant was present to answer questions.

Jirsa stated the applicant could build under 2,000 total square feet and not require a variance.

Osterloo questioned if there were any other sheds like this in the neighborhood, where looking at GIS there are only smaller garden sheds. He also questioned how much room there was between the house and the property line, which from GIS shows about 14' there, but Jenniges iterated that is not an official measurement. It would be the applicant's responsibility to make sure he is not trespassing or has an easement from the neighbor to drive on the neighbors' property.

The applicant stated he would put siding on to match the house and shingle the roof. His plan is to work on a couple of cars at a time over a couple-year period.

Sonne questioned if the applicant was going to improve the driveway all the way back to the shed, and was answered he would just drive on the grass.

Corrine Larson is a neighbor to this property and believes the new shed will block the view for everyone. Also, there is no alley to get in there and not enough room for emergency vehicles. She highly objects to this.

Motion by Genzlinger, seconded by Sonne to recommend approval of the variance. Roll call vote: Genzlinger – nay, Havlik – absent, Jirsa – nay, Larson – nay, Osterloo – nay, Schmitz – nay, Sonne – nay. 0 aye, 6 nay, 1 absent; motion failed.

9. Variance Permit: Mike Royston

Mike Royston has applied for a Variance Permit for a front yard setback of 17' vs 25' to build a 16' x 26' attached garage. This is located at 412 S Iowa St, legally described as Lot 9A and S 20' of Lot 10A, Block 22, Rail Road Addition, City of Mitchell, Davison County, South Dakota. The 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 was one letter that made the packet that was in favor. There were also three letters that did not make the packet, two in favor and one opposed but had no comments. The applicant was present to answer questions.

The applicant stated the recently purchased the house and a relator told them they could build an attached garage. His wife has some health issues and would like to have the attached garage so she doesn't have to go into the elements. They are requesting the variance because there is only one window on the north side of the house, and they do not want to lose that. The existing house sits at 23' vs the 25'. The proposed garage would stick past the house 6' and there would be 4' on the north side to the wall or 3' to the overhang.

Hegg confirmed that a relator could have told them correctly that they could build an attached garage if it met setbacks, otherwise a variance would be required.

Osterloo questioned if they would ever park in the driveway, noting that there is no sidewalk there now, but it could be in the future and have the potential to block the sidewalk.

Schroeder noted Public Works staff would prefer it to be 20' for the reason of not blocking the sidewalk in the future and having to have PD involved in citations or asking them to move the vehicle.

Carroll and Sandra Twedt live next door and object to the variance but would have no issues if the garage was built to code and setbacks. They have concerns about water and snow issues created from the proposed garage variance setback. They also believe the garage will be used for a business, not for Mike's wife to park in.

Motion by Schmitz, seconded by Sonne to recommend approval of the variance. Roll call vote: Genzlinger – nay, Havlik – absent, Jirsa – nay, Larson – nay, Osterloo – nay, Schmitz – nay, Sonne – nay. 0 aye, 6 nay, 1 absent; motion failed.

10. Plat: Iverson Chrysler Center Inc

Plat of Lot 4 of Iverson's Second Addition, a subdivision of Lot 1-C within Lot C, formerly a portion of Irregular Tract No. 4A in the South 1/2 of Section 22, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota.

Jenniges noted this meets zoning lot requirements for Highway Business. The plat is the first step towards the future development of the property. There are some city utility easements on the plat. SD DOT has been contacted about the existing approach and possibly widening it.

They have no concerns. The applicant was present to answer questions.

Motion by Genzlinger, seconded by Schmitz to approve the plat. Roll call vote: Genzlinger – aye, Havlik – absent, Jirsa – abstain, Larson – aye, Osterloo – aye, Schmitz – aye, Sonne – abstain. 4 aye, 0 nay, 2 abstain and 1 absent; motion carried.

11. Plat: Maui Farms Inc

Plat of Lot 58 of the Island First Addition, a subdivision of the SE 1/4 of Section 31, T 104 N, R 60 W of the 5th P.M. and Tract A in the NE 1/4 of the NE 1/4 of Section 6, T 103 N, R 60 W of the 5th P.M., All in the City of Mitchell, Davison County, South Dakota.

Jenniges noted this meets zoning requirements for Urban Development. They are platting off the existing park. 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 – aye, Sonne – aye. 6 aye, 0 nay, 1 absent; motion carried.

12. Hearing and Action on Establishing the Boundaries and Approval of the Project Plan for Tax Increment Financing District #36

Jenniges gave a brief overview of the location of the two developments and the ROW joining them into TIF 36. He noted South Lake is zoned RL and consists of 37 lots and Ridge View on Foster is zoned R3 and R4 and consists of 32 lots.

Johnson stated that this TIF functions like the recent TIF's that have been approved and is a grant pass through and does not go against the city's constitutional debt. The developer is responsible for paying back any shortages should any arise. The two developments are linked into one TIF because they need each to function together to make the TIF work. There are other grants for each of the development areas as well. The TIF review committee reviewed the project and requested revisions and answers to questions which were provided in the final project plan submitted.

Genzlinger questioned if there could be any legal challenges to the boundaries like this one, to which Johnson answered he does not believe so.

Osterloo questioned if both developments would be built at the same time. Johnson noted the different grants that have been applied for to help with the two developments. Also, any work to be reimbursed must be completed within the first 5 years of the TIF.

Ellwein noted that if the projects aren't built out as shown, it would affect the amount of reimbursement the developer would be able to collect back. This is considered workforce housing. An annual audit is required for the TIF before funds are distributed back to the developer.

Skyler Mickelson from Morgan Theeler was available to answer any questions the board had.

Terry Sabers, President of MAHI, stated they have built 3 houses in the past three years and are in the process of building three more. There is a shortage of housing in Mitchell. There will be 37 single family residential units at South Lake and 32 at Ridge View on Foster. The

new soybean plant will require 60–70 workers and they need housing. There are an additional 17 houses in Ridge View on Foster that MTC will build on outside the TIF. He estimates it would cost \$75k to sell each lot without the TIF for the infrastructure that is being placed in there and they plan to sell 61 lots for \$25k each. They are looking to build and sell houses around the \$250K. Jenniges noted the project plans call for housing purchase prices being up to \$370k. Ellwein noted there are 29 houses at \$370k, 5 houses at \$340K, 21 houses at \$330k and 14 houses at \$300k listed in the project plan. Sabers said what they sell for vs what they are appraised at could be different values.

Motion by Genzlinger, seconded by Schmitz, to set the boundaries for TIF District #36 to include the following:

LOTS 3 THROUGH 6, BLOCK 14, AND VACATED ALLEY ABBUTTING, AND LOTS 8 THROUGH 10, BLOCK 15, AND VACATED ALLEY ABBUTTING, OF INDIAN HEAD THIRD ADDITION TO THE CITY OF MITCHEL;

LOTS 22 THROUGH 46, BLOCK 5 AND LOTS 1 THROUGH 5, BLOCK 6 OF SOUTH LAKE ESTATES SUBDIVISION TO THE CITY OF MITCHELL;

THAT PORTION OF SOUTH HARMON DRIVE R-O-W THAT ALIGNS WITH DAKOTA AVENUE R-O-W EXTENDED;

THAT PORTION OF DAKOTA AVENUE R-O-W LYING BETWEEN THE WESTERLY R-O-W OF SOUTH HARMON DRIVE AND THE EASTERLY R-O-W OF INDIAN HEAD DRIVE;

THAT PORTION OF INDIAN HEAD DRIVE R-O-W THAT ALIGNS WITH THE NORTHERLY R-O-W OF DAKOTA AVENUE AND EXTENDS TO THE NORTH PROPERTY LINE OF BLOCK 15 OF INDIAN HEAD THIRD ADDITION; THENCE WESTERLY CONTINUING ALONG AND INCLUDING THAT PORTION OF INDIAN HEAD DRIVE R-O-W TO THE INTERSECTION OF THE EAST R-O-W OF NORTH OHLMAN STREET;

THAT PORTION OF NORTH OHLMAN STREET R-O-W WITHIN CITY LIMITS FROM A POINT THAT IS PERPENDICULAR TO THE NORTH PROPERTY LINE OF LOT 46, BLOCK 5 OF SOUTH LAKE ESTATES SUBDIVISION, THENCE SOUTH TO A POINT THAT ALIGNS WITH THE SOUTH R-O-W OF INDIAN VILLAGE ROAD;

THAT PORTION OF INDIAN VILLAGE ROAD R-O-W LYING BETWEEN THE EAST R-O-W OF NORTH OHLMAN STREET AND THE NORTH R-O-W OF WEST 23RD AVENUE;

THAT PORTION OF WEST / EAST 23RD AVENUE R-O-W FROM A POINT THAT ALIGNS WITH THE WEST R-O-W OF INDIAN VILLAGE ROAD, THENCE EAST TO A POINT THAT ALIGNS WITH THE EAST R-O-W OF NORTH KIMBALL STREET;

THAT PORTION OF NORTH KIMBALL STREET R-O-W FROM A POINT THAT ALIGNS WITH THE SOUTH R-O-W OF EAST 23RD AVENUE, THENCE SOUTH TO A POINT THAT ALIGNS WITH THE NORTH R-O-W OF EAST 11TH AVENUE;

THAT PORTION OF EAST 11TH AVENUE R-O-W FROM A POINT THAT ALIGNS WITH THE WEST R-O-W OF NORTH KIMBALL STREET, THENCE EAST TO A POINT THAT ALIGNS

WITH THE WEST R-O-W OF NORTH FOSTER STREET;

THAT PORTION OF NORTH FOSTER STREET R-O-W FROM A POINT THAT ALIGNS WITH THE NORTH R-O-W OF EAST 11TH AVENUE, THENCE SOUTH TO A POINT THAT ALIGNS WITH THE SOUTH R-O-W OF NAGLE LANE;

THAT PORTION OF NAGLE LANE R-O-W FROM A POINT THAT ALIGNS WITH THE EAST R-O-W OF NORTH FOSTER STREET, THENCE EAST TO A POINT THAT ALIGNS WITH THE WEST R-O-W OF NORTH CALHOUN STREET;

THAT PORTION OF NORTH CALHOUN STREET R-O-W FROM A POINT THAT ALIGNS WITH THE NORTH R-O-W OF NAGLE LANE, THENCE SOUTH TO A POINT THAT ALIGNS WITH THE SOUTH R-O-W OF BRIDLE DRIVE;

ALL OF PEACE PLACE R-O-W LOCATED BETWEEN NAGLE LANE R-O-W AND EAST 8TH AVENUE R-O-W;

ALL OF NURSIA DRIVE R-O-W LOCATED BETWEEN NAGLE LANE R-O-W AND PEACE PLACE R-O-W; and

LOT 6, BLOCK 1-A; BLOCK 2-A; LOTS 1 THROUGH 9, BLOCK 3-A; AND LOTS 1 THROUGH 13, BLOCK 5-A; ALL IN RIDGE VIEW ON FOSTER ADDITION TO THE CITY OF MITCHELL.

Roll call vote: Genzlinger – aye, Havlik – absent, Jirsa – aye, Larson – aye, Osterloo – aye, Schmitz – aye, Sonne – abstain. 5 aye, 0 nay, 1 abstain, 1 absent; motion carried.

Motion by Genzlinger, seconded by Osterloo to approve the project plan and recommend approval of TIF District #36. Roll call vote: Genzlinger – aye, Havlik – absent, Jirsa – aye, Larson – aye, Osterloo – aye, Schmitz – aye, Sonne – abstain. 5 aye, 0 nay, 1 abstain and 1 absent; motion carried.

13. Other Business:

Jenniges announced this would be Jay Larson's last meeting on Planning Commission. He was appointed to the board on June 14, 1984. Jenniges thanked him for his years of service and invited him to the July 8, 2024, meeting in recognition of his 40 years of service. He agreed.

Larson stated these boards are at the pleasure of the mayor, and he has been appointed by a lot of mayors and thanked them for that. He has served on many different boards and feels this current board is one of the best he has sat on. He has been chair of this board for many years and thanked the members for that.

Mayor Everson thanked Larson for his years of service and the years they sat on Planning Commission together.

14. Public Input:

None.

15. Adjourn

Chairperson Larson adjourned the meeting at 12:45 P.M.

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

Jay A. Larson
Planning Commission Chairperson