



Planning Commission 8-26-24 Agenda
City Council Chambers, City Hall, 612 N. Main Street
August 26, 2024

- 1. 12:00 PM Call to Order**
- 2. Roll Call**
- 3. Declaration Of Conflicts Of Interests**
- 4. Approve Agenda**
- 5. Approval of Previous Minutes: August 12, 2024**
- 6. Schedule Next Meeting: September 9, 2024**
- 7. Variance Permit: Dennis Kaus**

Dennis Kaus has applied for a variance permit for front yard setback of 20' vs 25' to build a 12' x 14' covered patio; located at 408 W 12th Ave, legally described as Lot 10, Block 26, Capital Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R4 High Density Residential District.

8. Conditional Use Permit: Josh Frost d.b.a. Mitchell Towing & Recovery

Josh Frost has applied for a conditional use permit for Outside Storage and to operate Mitchell Towing and Recovery business which falls under the category of Automotive sales, repair, parts, detailing; located at 24994 406th Ave, legally described as Lot 3D-1 and Lot 3D-2 of D.R. Kiner's First Addition in the SW ¼ of Section 31, T 104 N, R 60 W of the 5th P.M., Davison County, South Dakota. The said real property is zoned UD Urban Development District.

9. Rezone Hearing and Recommendation: Dakota Land & Property Management LLC

Dakota Land Management Properties LLC is requesting the following property legally described as; Lot 1 Ex Lot H6 in the SE ¼ of Section 27, Township 103 N, Range 60 W of the 5th P.M., Davison County, South Dakota; be changed from HB Highway Oriented Business District to TWC Transportation, Warehousing and Commercial District AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME (1600 to 1900 block of S Foster St on the west side-see reverse side for location).

10. Variance Permit: Central Plains Automation Inc

Central Plains Automation Inc has applied for a variance permit for front yard setback of 1'-6" vs 35' to build a 16' x 40' office addition; located at 1501 W 4th Ave, legally described as Lots 1-6 Ex H-1 of Lot 6, Block 29 Home Park Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned TWC Transportation Warehousing & Commercial District.

11. Other Business:

12. Public Input:

If you need to address the Board on an item that was not on the agenda, excluding personnel items, please come forward to the podium and state your name and your concern. Presentations are limited to three minutes. Items will be considered but no action will be taken at this time.

13. Adjourn

Individuals with disabilities who require special assistance to take part in this meeting may contact one of the following at City Hall (605) 995-8420 at least 24 hours prior to the meeting with requests for assistance: Human Resources Officer or the City Administrator.



Planning Commission 8-12-24-Amended
City Council Chambers, City Hall, 612 N. Main Street
August 12, 2024

1. Call to Order

Chairperson Genzlinger called the August 12, 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, Havlik, Jirsa (telephonically), Osterloo, Schmitz, Schreurs, Sonne.

Absent: None.

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

3. Declaration Of Conflicts Of Interests

Genzlinger items #8 & #17.

Schmitz items #8 & #17.

4. Approve Agenda

Motion by Havlik, seconded by Schmitz to approve the amended agenda. Roll call vote: Genzlinger – aye, Havlik – aye, Jirsa – aye, Osterloo – aye, Schmitz – aye, Schreurs – aye, Sonne – aye. 7 aye, 0 nay; motion carried.

5. Approval of Previous Minutes

Motion by Osterloo, seconded by Sonne to approve the proposed minutes of the July 22, 2024 Planning Commission Meeting. Roll call vote: Genzlinger – aye, Havlik – aye, Jirsa – aye, Osterloo – aye, Schmitz – aye, Schreurs – aye, Sonne – aye. 7 aye, 0 nay; motion carried.

6. Schedule Next Meeting

Motion by Havlik, seconded by Schmitz to set the date for the next Planning Commission Meeting for August 26, 2024. Roll call vote: Genzlinger – aye, Havlik – aye, Jirsa – aye, Osterloo – aye, Schmitz – aye, Schreurs – aye, Sonne – aye. 7 aye, 0 nay; motion carried.

7. Conditional Use Permit: Jaun'l Gibson

Jaun'l Gibson has applied for a conditional use permit to operate a Family Residential Daycare; located at 505 S Davison St, legally described as Lots 43 & 44 Overlook 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 was one response in favor that did not make the packet, but there were no comments so it was not handed out at the meeting. The applicant was not present to answer questions.

Jenniges stated the applicant is moving from her current location, which she was approved for about a year ago. Jenniges also noted that the Fire Marshall has already inspected the building and has no concerns.

Genzlinger questioned if there were any concerns about her previous location, which was answered there were none.

Motion by Schmitz, seconded by Havlik 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 – aye, Jirsa – aye, Osterloo – aye, Schmitz – aye, Schreurs – aye, Sonne – aye. 7 aye, 0 nay; motion carried.

8. Variance Permit-Schmitz Construction

Schmitz Construction has applied for a variance permit for minimum lot width of 66' vs 100' and minimum lot area of 10,890 square feet vs 14,000 square feet; located at 821 N Mentzer, legally described as S ½ and E ½ of Lot 6, Block 3 Hammers 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 was one response returned in favor. The applicant was present to answer questions.

Jenniges said the applicant would like to tear down the existing single family dwelling and construct a four plex which is what is triggering the need for the variance. There will be a parking lot on the east side and the four flex front will actually face south, but the front setback will still be to the east. The proposed building meets all other setbacks.

Motion by Havlik, seconded by Osterloo to recommend approval of the variance. Roll call vote: Genzlinger – abstain, Havlik – aye, Jirsa – aye, Osterloo – aye, Schmitz – abstain, Schreurs – aye, Sonne – aye. 5 aye, 0 nay, 2 abstain; motion carried.

9. Plat: Horsemens' Sports Inc

Plat of Lots 1A & 2A in Block 2 of Bayside Overlook Subdivision in the SE 1/4 of the SE 1/4 of Section 4, Township 103 North, Range 60 West of the 5th P.M. in the city of Mitchell, Davison County, South Dakota.

Jenniges stated the applicant and neighbors to the south (potential buyers) are working to clean up some encroachments in the area. This is currently zone TWC so it meets the zoning requirements to be platted. This is the first of three phases to completely clean up the issues in this area. Next, they will be requesting to rezone to RL and then vacating some existing

ROW as well as some existing plats to replat into bigger lots.

Motion by Schmitz, seconded by Jirsa to approve the plat. Roll call vote: Genzlinger – aye, Havlik – aye, Jirsa – aye, Osterloo – aye, Schmitz – aye, Schreurs – aye, Sonne – aye. 7 aye, 0 nay; motion carried.

10. Variance Permit: Curtis & Sonna Betts

Curtis & Sonna Betts have applied for a variance permit for a combination of attached and detached accessory buildings of 3,076 square feet vs 2,000 square feet to build a new attached accessory building of 1,476 square feet; located at 204 N Harmon, legally described as Lots 54, 54A, 55 & 55A of Sunset Point 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 were two responses in favor. The applicant was present to answer questions.

Jenniges stated the applicant would like to turn their existing attached garage into dwelling space and build a new attached garage that would be big enough to store their RV in. There is an existing unattached garage on the parcel as well. Jenniges noted that there probably should have been a variance for the attached and detached garages prior, but that was not this applicant/owner that would have been required to apply for or ordinances might have been amended since that time as well. The proposed garage addition meets all other setbacks.

Schmitz questioned what the net gain of accessory building square footage would be by converting the existing to habitable space and building the new attached garage. Jenniges estimated the net gain of about 600 square feet.

Motion by Jirsa, seconded by Schmitz to recommend approval of the variance. Roll call vote: Genzlinger – aye, Havlik – aye, Jirsa – aye, Osterloo – aye, Schmitz – aye, Schreurs – aye, Sonne – aye. 7 aye, 0 nay; motion carried.

11. Plan Approval: Sandbox Ventures LLC

Jenniges explained the applicant would like to build a four plex at 616 N Sanborn Blvd. This is zoned Neighborhood Shopping and requires board approval. Jenniges went over the plans provided by the applicant and all setbacks are met. The applicant did provide a site plan showing his downspout locations and plan for water to drain.

Genzlinger questioned if a drainage plan would be required, to which was answered the provided plans are acceptable to Public Works, and they have no concerns with the drainage as submitted.

Motion by Havlik, seconded by Schmitz to approve the plan. Roll call vote: Genzlinger – aye, Havlik – aye, Jirsa – aye, Osterloo – aye, Schmitz – aye, Schreurs – aye, Sonne – aye. 7 aye, 0 nay; motion carried.

12. Variance Permit: City of Mitchell

City of Mitchell has applied for a variance permit for minimum lot width of 82.89' vs 100' and

minimum lot area of 1,139 square feet vs 10,000 square feet; located at 115 S Harmon Dr, will be legally described as Lot 58-B of Indian Head Subdivision, Lake Mitchell Development Plan in the SW 1/4 of Section 4, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. The said real property is zoned PL Public Lands and Institutions District.

Jenniges noted that a notice was sent out to the neighbors, it was published in the official newspaper and sign posted. There were no responses in favor or opposing that made the packet. Jenniges stated he had received a few phone calls wondering what was going on with the variance. Also, he had received an email from a neighbor opposing it until Lot 58-A is straightened out. The applicant was present to answer questions.

Jenniges reminded the board of the history of this area and how it had been undesignated park land per a petition and a vote of the citizens of Mitchell. However, this portion was not sold at auction like the other seven. It was requested to plat this portion of land, so there could be more buildable land if someone were to purchase it with the intention of building a house.

Jenniges also reminded everyone that just because the land is platted that does not mean it will be sold or built on, it is just a plat. The plat does not meet the requirements for Public Lands hence the variances required. The process moving forward would be to approve/deny the variance, which also would be to approve/deny the plat. After that, someone would have to take out a petition of about 500 signatures to put it to a vote of the city and then the council would decide what to do with the land; retain it as is or sell it. There are three options for selling just like before; sealed bids, public auction (like last time) or hiring a realtor.

Motion by Schmitz, seconded by Jirsa to recommend approval of the variance. Roll call vote: Genzlinger – aye, Havlik – aye, Jirsa – aye, Osterloo – aye, Schmitz – aye, Schreurs – aye, Sonne – aye. 7 aye, 0 nay; motion carried.

13. Plat: City of Mitchell

Plat of Lot 58-B of Indian Head Subdivision, Lake Mitchell Development Plan in the SW 1/4 of Section 4, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota.

Jenniges noted this plat goes with the variance application that was just discussed prior.

Motion by Jirsa, seconded by Osterloo to approve the plat. Roll call vote: Genzlinger – aye, Havlik – aye, Jirsa – aye, Osterloo – aye, Schmitz – aye, Schreurs – aye, Sonne – aye. 7 aye, 0 nay; motion carried.

14. Variance Permit: City of Mitchell

City of Mitchell has applied for a variance permit for minimum lot width of 5' vs 100' and minimum lot area of 2,661 square feet vs 10,000 square feet; located south of 129 S Harmon Dr, will be legally described as Lot 68-A of Indian Head Subdivision, Lake Mitchell Development Plan in the SW 1/4 of Section 4, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. The said real property is zoned PL Public Lands and Institutions 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. The applicant was present to answer questions.

Jenniges said this was requested to plat due to an encroachment being found on the property and so there is a legal description for someone to take a petition out to have the land undesignated as park land and give the council the option to sell it. The process of this was discussed with agenda item #12.

Motion by Havlik, seconded by Sonne to recommend approval of the variance. Roll call vote: Genzlinger – aye, Havlik – aye, Jirsa – aye, Osterloo – aye, Schmitz – aye, Schreurs – aye, Sonne – aye. 7 aye, 0 nay; motion carried.

15. Plat: City of Mitchell

Plat of Lot 68-A of Indian Head Subdivision, Lake Mitchell Development Plan in the SW 1/4 of Section 4, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota.

Jenniges noted this plat goes with the variance application that was just discussed prior.

Motion by Schmitz, seconded by Sonne to approve the plat. Roll call vote: Genzlinger – aye, Havlik – aye, Jirsa – aye, Osterloo – aye, Schmitz – aye, Schreurs – aye, Sonne – aye. 7 aye, 0 nay; motion carried.

16. Plat: City of Mitchell

Plat of Lot 108-A of Indian Head Subdivision, Lake Mitchell Development Plan in the SW 1/4 of Section 4, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota.

Jenniges noted that on the county GIS system it shows a parcel of land there but there actually isn't one. The request was to plat a parcel there then and make it big enough to not require any variances with the plat. Again, the process for undesignating it as park land would follow the same as item #12 discussion. Jenniges reminded the board this is just a plat and platting a piece of ground does not mean it has to have a change of use or be sold, it is just defining boundaries and creating a legal description.

Motion by Jirsa, seconded by Schmitz to approve the plat. Roll call vote: Genzlinger – aye, Havlik – aye, Jirsa – aye, Osterloo – aye, Schmitz – aye, Schreurs – aye, Sonne – aye. 7 aye, 0 nay; motion carried.

17. Amended Item-Plat: Palace Brewing LLC

Plat of Lots A, B, and C of Depot Second Addition to the City of Mitchell, Lying in the NE 1/4 of the SE 1/4 of Section 21, and in the NW 1/4 of the SW 1/4 of Section 22, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota.

Jenniges gave an overview of the area. The applicant had submitted a TIF application previously, but the boundaries submitted were not usable. The applicant has been working with the railroad to reach an agreement for a land swap and this plat will assist in that land swap and also create the TIF boundary. After it is platted the applicant will retain lot B but also get lot C and the railroad will get lot A.

Motion by Havlik, seconded by Sonne to approve the plat. Roll call vote: Genzlinger – abstain, Havlik – aye, Jirsa – aye, Osterloo – aye, Schmitz – abstain, Schreurs – aye, Sonne – aye. 5 aye, 0 nay, 2 abstain; motion carried.

18. Other Business:

None.

19. Public Input:

None.

20. Adjourn

Chairperson Genzlinger adjourned the meeting at 12:26 P.M.

Kevin Genzlinger
Planning Commission Chairperson



TO: THE MITCHELL PLANNING COMMISSION AND CITY COUNCIL OR BOARD OF ADJUSTMENT, THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

The undersigned applicant(s) and owner(s) is hereby making an application pursuant to the provisions of the City of Mitchell Zoning Code.

The names and addresses of the current property owners within one hundred and forty feet (140') of the applicant's property (excluding streets and alleys) will be notified upon the filing of this application, plats being the exception.

Applicant(s) request that dates be set for public hearings before the Mitchell Planning Commission and City Council or City Board of Adjustment. Furthermore, the applicant(s) request the City of Mitchell to publish the appropriate notice(s) in accordance with the City of Mitchell's Ordinances.

☐ **Rezoning** *\$250 application due with the application.*

- Applicant is request to rezone property from [Click or tap here to enter text.](#) District to [Click or tap here to enter text.](#) District.

☒ **Variance** *\$150 application fee due with application.*

- Description of Variance: Front yard setback of 20' vs 25'
- Description of Hardship: Applicant would like to build a 14' x 12' covered patio.

☐ **Conditional Use Permit** *\$150 application fee due with application*

- Description of Conditional Use: [Click or tap here to enter text.](#)

☐ **Plat Application** *\$100 application fee due with application*

This Application is for the following described real property:

Legal Description: **Lot 10, Block 26, Capital Addition, City of Mitchell, Davison County, South Dakota**

Property Address: **408 W 12th Ave**

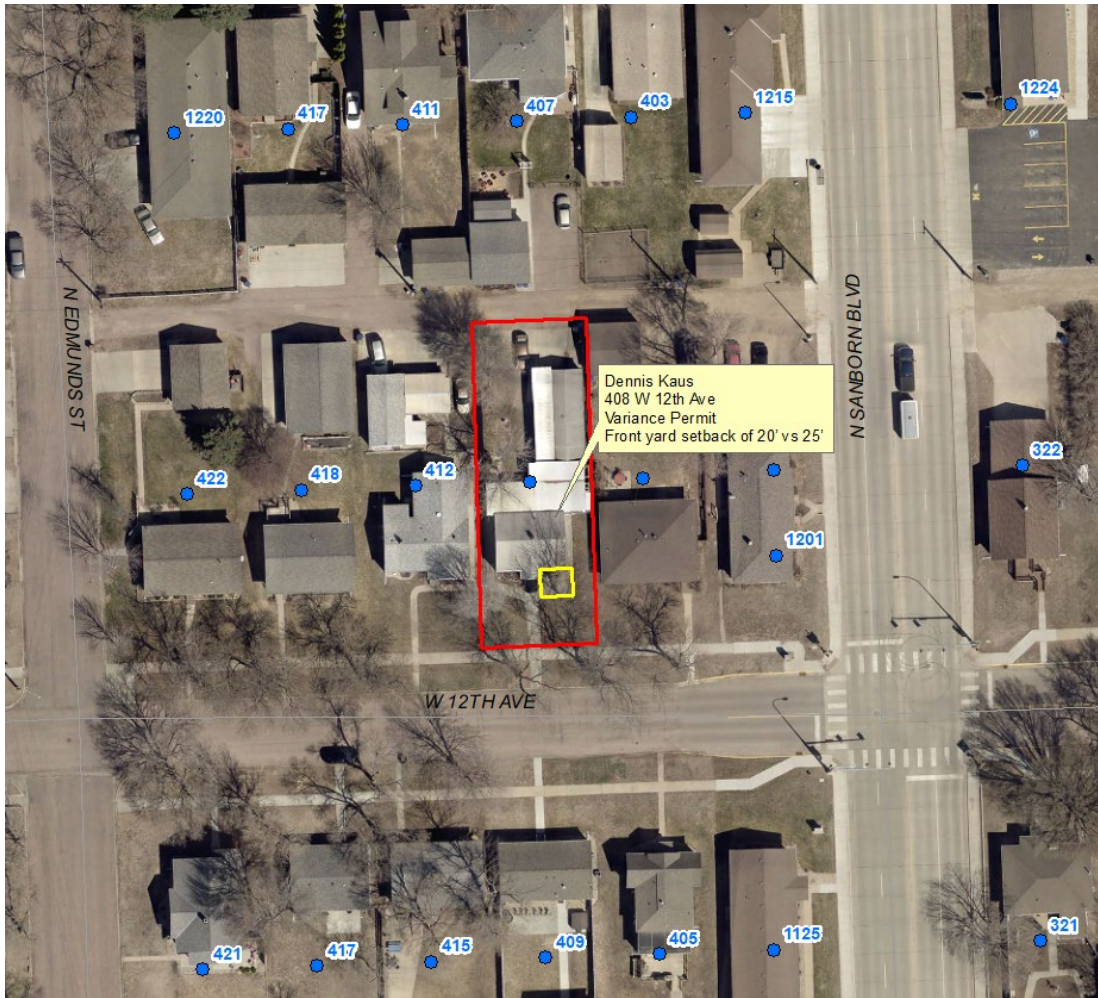
Dated this 26th **of** July , 2024.

APPLICANT

A handwritten signature in black ink, appearing to read "Dennis Kaus", written over a horizontal line.

Dennis Kaus

OWNER



NOTICE OF HEARING

To: The Planning Commission, Board of Adjustment of the City of Mitchell, Mitchell South Dakota, and to the general public:

YOU ARE HEREBY NOTIFIED that Dennis Kaus has applied for a variance permit for front yard setback of 20' vs 25' to build a 12' x 14' covered patio; located at 408 W 12th Ave, legally described as Lot 10, Block 26, Capital Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R4 High Density Residential District.

YOU ARE FURTHER NOTIFIED, that public hearings will be held by the City Planning Commission on Monday, August 26, 2024, 12:00 P.M. (Noon) and the Board of Adjustment on Tuesday, September 3, 2024 at 6:00 P.M., at the Council Chambers, Mitchell City Hall, 612 N Main St. All interested parties may attend the public hearings and provide comments in regards to the applicant's request.

Dated this 8th day of August, 2024.

Michelle Bathke

FINANCE OFFICER

Publish once: 14th day of August, 2024

Approximate Cost:

Dennis Kaus
408 W 12th Ave
Mitchell, SD 57301

Scott Maeschen
1220 N Edmunds St
Mitchell, SD 57301

Dawn Bult
417 W 13th Ave
Mitchell, SD 57301

Paul & Marla Voelker
411 W 13th Ave
Mitchell, SD 57301

Jade Miller
407 W 13th Ave
Mitchell, SD 57301

Next Generation Properties 1 LLC
3116 Maui Dr
Mitchell, SD 57301

Marlys Hoff
1215 N Sanborn Blvd
Mitchell, SD 57301

Dr Tiffany Thiesse
1224 N Sanborn Blvd
Mitchell, SD 57301

Kohl Oster
322 W 12th Ave
Mitchell, SD 57301

Candice George
1203 N Sanborn Blvd
Mitchell, SD 57301

Lois Hilton
406 W 12th Ave
Mitchell, SD 57301

Melvin Delzer
412 W 12th Ave
Mitchell, SD 57301

Cliff Kayl
418 W 12th Ave
Mitchell, SD 57301

Mark & Retha Engle
422 W 12th Ave
Mitchell, SD 57301

Amanda Sonne
421 W 12th Ave
Mitchell, SD 57301

Valburg Properties LLC
28620 Valburg Pl
Draper, SD 57531

Jessica Meinke
Matthew Wilson
415 W 12th Ave
Mitchell, SD 57301

Kelsey Hanson
409 W 12th Ave
Mitchell, SD 57301

Sheila Bauer
405 W 12th Ave
Mitchell, SD 57301

Larry & Meribeth Fink
600 S Burns St
Mitchell, SD 57301

Jimmy Z& Antoinette Martin
321 W 12th Ave
Mitchell, SD 57301

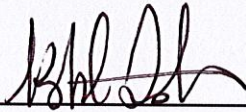
August 14, 2024

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that Dennis Kaus has applied for a variance permit for front yard setback of 20' vs 25' to build a 12' x 14' covered patio; located at 408 W 12th Ave, legally described as Lot 10, Block 26, Capital Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R4 High Density Residential District.

YOU ARE FURTHER NOTIFIED that the City Planning Commission will be conducting a hearing on this application on Monday, August 26, 2024, 12:00 P.M. (Noon) and the Board of Adjustment on Tuesday, September 3, 2024 at 6:00 P.M, all meetings will be in the Council Chambers, City Hall, 612 N. Main St, Mitchell, SD. All interested parties may attend the hearings.

All interested parties may be present and be heard on said request, either in person or by agent. Please submit written comments by 5:00 P.M. the Friday prior to the meeting, in the City of Mitchell Public Works Office or Finance Office.

I/We Kohl Oster 
OWNER

322 W 12th Ave
ADDRESS

X APPROVE

 DISAPPROVE

COMMENTS:

August 14, 2024

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that Dennis Kaus has applied for a variance permit for front yard setback of 20' vs 25' to build a 12' x 14' covered patio; located at 408 W 12th Ave, legally described as Lot 10, Block 26, Capital Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R4 High Density Residential District.

YOU ARE FURTHER NOTIFIED that the City Planning Commission will be conducting a hearing on this application on Monday, August 26, 2024, 12:00 P.M. (Noon) and the Board of Adjustment on Tuesday, September 3, 2024 at 6:00 P.M, all meetings will be in the Council Chambers, City Hall, 612 N. Main St, Mitchell, SD. All interested parties may attend the hearings.

All interested parties may be present and be heard on said request, either in person or by agent. Please submit written comments by 5:00 P.M. the Friday prior to the meeting, in the City of Mitchell Public Works Office or Finance Office.

By Lois Hilton
OWNER

406 W 12th
ADDRESS

X APPROVE

_____ DISAPPROVE

COMMENTS:



TO: THE MITCHELL PLANNING COMMISSION AND CITY COUNCIL OR BOARD OF ADJUSTMENT, THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

The undersigned applicant(s) and owner(s) is hereby making an application pursuant to the provisions of the City of Mitchell Zoning Code.

The names and addresses of the current property owners within one hundred and forty feet (140') of the applicant's property (excluding streets and alleys) will be notified upon the filing of this application, plats being the exception.

Applicant(s) request that dates be set for public hearings before the Mitchell Planning Commission and City Council or City Board of Adjustment. Furthermore, the applicant(s) request the City of Mitchell to publish the appropriate notice(s) in accordance with the City of Mitchell's Ordinances.

☐ **Rezoning** \$250 application due with the application.

- Applicant is request to rezone property from [Click or tap here to enter text.](#) District to [Click or tap here to enter text.](#) District.

☐ **Variance** \$150 application fee due with application.

- Description of Variance: [Click or tap here to enter text.](#)
- Description of Hardship: [Click or tap here to enter text.](#)

☒ **Conditional Use Permit** \$150 application fee due with application

- Description of Conditional Use: Automotive sales, repair, parts, detailing , outside storage

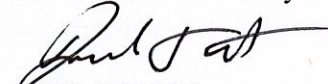
☐ **Plat Application** \$100 application fee due with application

This Application is for the following described real property:

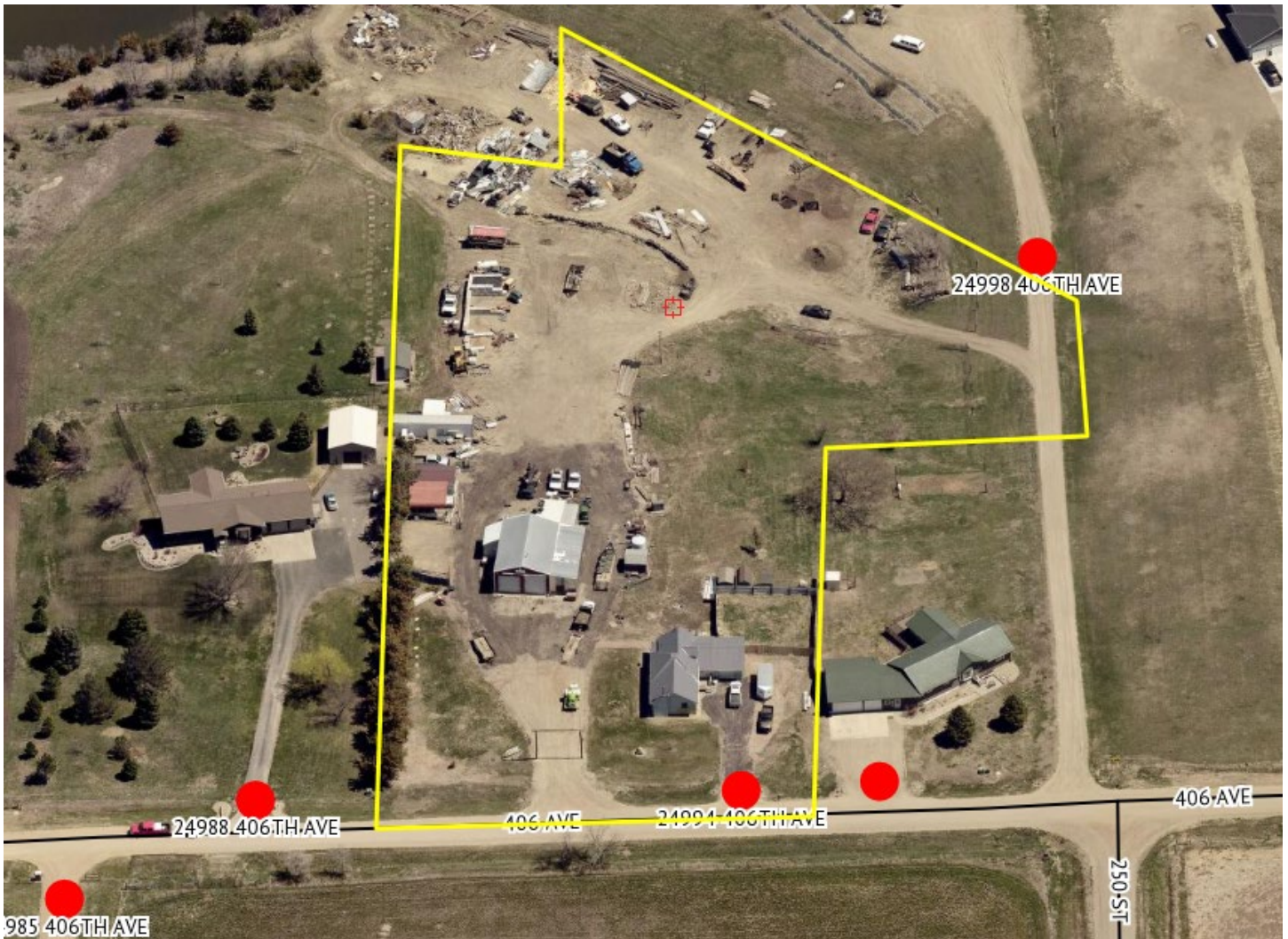
Legal Description: Lot 3D-1 and Lot 3D-2 of D.R. Kiner's First Addition in the SW ¼ of Section 31, T 104 N, R 60 W of the 5th P.M., Davison County, South Dakota

Property Address: 24994 406th Ave

Dated this 30th of July, 2024.


APPLICANT

Joshua Frost
OWNER





July 26, 2024

Mitchell Towing and Recovery
Joshua Frost
24994 406th Ave
Mitchell, SD 57301

To whom it may concern,

It has been brought to the attention of the City of Mitchell Planning and Zoning Office you are running Mitchell Towing and Recovery (picture #1-3), located at 24994 406th Ave, legally described as Lot 3D-1 and Lot 3D-2 of D.R. Kiner's First Addition in the SW ¼ of Section 31, T 104 N, R 60 W of the 5th P.M., Davison County, South Dakota. These parcels are zoned Urban Development. Automotive sales, repair, parts, detailing requires a Conditional Use Permit within this zone. Automotive Storage Yard and a Junkyard (salvage) are not a permitted or conditional use within this zone.

The definition of Automotive Storage Yard is as follows:

"The temporary storage or impoundment in an unroofed area of licensed and operable vehicles."

The definition of junkyard (salvage) is as follows:

"The temporary or permanent storage outdoors of junk, waste, discarded, salvaged, or used materials or inoperable vehicles or vehicle parts. This definition shall include, but not be limited to, the storage of used lumber, scrap, metal, tires, household garbage, furniture, and inoperable machinery, and as further defined in the current edition of city's adopted building and fire code. This definition shall include outdoor storage of normal residential equipment and related activities such as garden tools, lawn mowers, wood piles, grass clippings, and similar items."

As seen in the attached picture #1-3 you are in violation of the City of Mitchell zoning ordinance therefore you must apply for a Conditional Use Permit immediately and cease the automotive storage yard and junkyard (salvage) business immediately and come up with a plan to mitigate any automotive storage yard or junkyard on the premises. Failure to do so within 10 days of receipt of this letter will result in the case being turned over to the City Attorney for further action.

If you have any questions regarding this matter, you can reach the Planning and Zoning Office at 605-995-8433, email mark.jenniges@cityofmitchellsd.gov or stop in the office located at City Hall, 612 N Main St.

Sincerely,

Mark Jenniges
City Planner

CC: Justin Johnson; City of Mitchell Attorney

Picture #1



Mitchell Towing and Recovery

Intro

We are a towing and recovery business in Mitchell, SD. We also do service work on vehicles.

Page · Towing Service

24994 406th Ave, Mitchell, SD, United States, South Dakota

(605) 933-2322

mitchelltowingandrecovery@gmail.com

Not yet rated (0 Reviews)

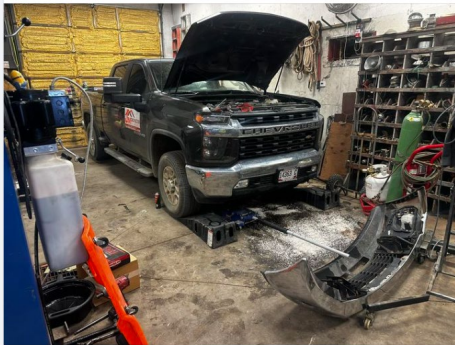
Picture #2



Mitchell Towing and Recovery

July 11 at 4:43 PM

Oil change fuel filter air filter and tire rotation. Big or small we can do it all!



Picture #3



Mitchell Towing and Recovery

July 15 at 12:49 PM

SHAEFFERS OIL CHANGE!

Remember we carry almost all Shaeffers oils needed to get your vehicle serviced same day. If we don't have it we can have it fast. Call in to schedule your vehicles maintenance today!

WE ALSO PICK UP AND DELIVER VEHICLES!



Mitchell Towing and Recovery
Towing Service

Send message



July 26, 2024

Joshua Frost
24994 406th Ave
Mitchell, SD 57301

To whom it may concern,

The City of Mitchell Planning and Zoning Office has received complaints pertaining to your property violating the City of Mitchell Zoning Ordinance, located at 24994 406th Ave, legally described as Lot 3D-1 and Lot 3D-2 of D.R. Kiner's First Addition in the SW ¼ of Section 31, T 104 N, R 60 W of the 5th P.M., Davison County, South Dakota. These parcels are zoned Urban Development. The complaints are that you are using your property for a junkyard (salvage), outside commercial storage and outside storage. A Junkyard (salvage) are not a permitted or conditional use within this zone. Outside commercial storage and outside storage require a Conditional Use Permit for each within this zone.

The definition of junkyard (salvage) is as follows:

"The temporary or permanent storage outdoors of junk, waste, discarded, salvaged, or used materials or inoperable vehicles or vehicle parts. This definition shall include, but not be limited to, the storage of used lumber, scrap, metal, tires, household garbage, furniture, and inoperable machinery, and as further defined in the current edition of city's adopted building and fire code. This definition shall include outdoor storage of normal residential equipment and related activities such as garden tools, lawn mowers, wood piles, grass clippings, and similar items."

The definition of outside commercial storage is as follows:

"The short term or long-term leasing for the parking or storage of motor vehicles, equipment, or personal items outside."

The definition of outside storage is as follows:

"The keeping in an unroofed area of any goods, junk, material or merchandise in the same place for more than one month."

As seen in the attached picture #1 vs picture #2 there has been a considerable amount of equipment, debris, salvaged material brought onto your property (also as seen on pictures #3-6 as well) and you are in violation of the City of Mitchell zoning ordinance. Therefore, you must apply for a Conditional Use Permit immediately for outside commercial storage and outside storage and cease the automotive storage yard and junkyard (salvage) business immediately and come up with a plan to mitigate any automotive storage yard or junkyard on the premises. Failure to do so within 10 days of receipt of this letter will result in the case being turned over to the City Attorney for further action.

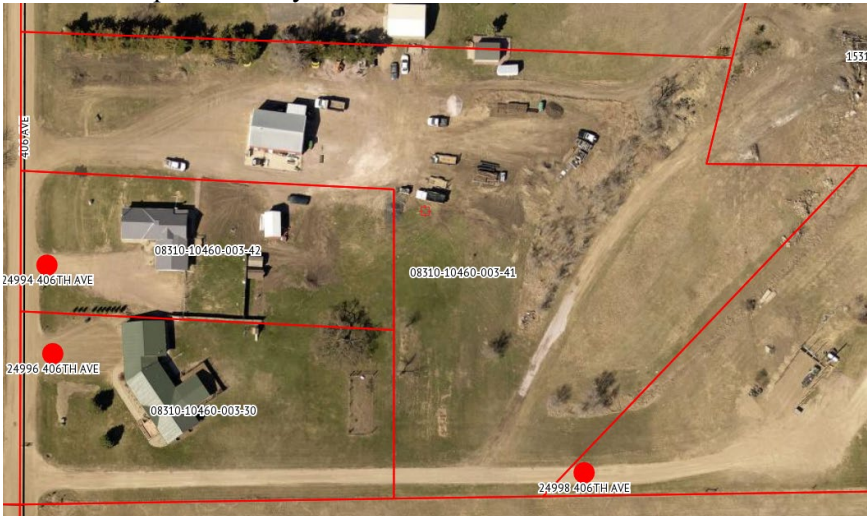
If you have any questions regarding this matter, you can reach the Planning and Zoning Office at 605-995-8433, email mark.jenniges@cityofmitchellsd.gov or stop in the office located at City Hall, 612 N Main St.

Sincerely,

Mark Jenniges
City Planner

CC: Justin Johnson; City of Mitchell Attorney

Picture #1-April 2020 Flyover



Picture #2-April 2023 Flyover



Picture #3



Picture #4



Picture #5



Picture #6



NOTICE OF HEARING

To: The Planning Commission, Board of Adjustment of the City of Mitchell, Mitchell South Dakota, and to the general public:

YOU ARE HEREBY NOTIFIED that Josh Frost has applied for a conditional use permit for Outside Storage and to operate Mitchell Towing and Recovery business which falls under the category of Automotive sales, repair, parts, detailing; located at 24994 406th Ave, legally described as Lot 3D-1 and Lot 3D-2 of D.R. Kiner's First Addition in the SW ¼ of Section 31, T 104 N, R 60 W of the 5th P.M., Davison County, South Dakota. The said real property is zoned UD Urban Development District.

YOU ARE FURTHER NOTIFIED, that public hearings will be held by the City Planning Commission on Monday, August 26, 2024, 12:00 P.M. (Noon) and the Board of Adjustment on Tuesday, September 3, 2024 at 6:00 P.M., at the Council Chambers, Mitchell City Hall, 612 N Main St. All interested parties may attend the public hearings and provide comments in regards to the applicant's request.

Dated this 8th day of August, 2024.

Michelle Bathke

FINANCE OFFICER

Publish once: 14th day of August, 2024
Approximate Cost:

Josh Frost
24994 406th Ave
Mitchell, SD 57301

David & Shirley Thompson
24985 406th Ave
Mitchell, SD 57301

Ralph & Pamela Kiner
24988 406th Ave
Mitchell, SD 57301

Dennis & Jean Kiner
24998 406th Ave
Mitchell, SD 57301

Ronald & Laurie Moody
24996 406th Ave
Mitchell, SD 57301

Brandon Cazer
25002 406th Ave
Mitchell, SD 57301

Millan Acres LLC
25533 404th Ave
Mitchell, SD 57301



TO: THE MITCHELL PLANNING COMMISSION AND CITY COUNCIL OR BOARD OF ADJUSTMENT, THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

The undersigned applicant(s) and owner(s) is hereby making an application pursuant to the provisions of the City of Mitchell Zoning Code.

The names and addresses of the current property owners within one hundred and forty feet (140') of the applicant's property (excluding streets and alleys) will be notified upon the filing of this application, plats being the exception.

Applicant(s) request that dates be set for public hearings before the Mitchell Planning Commission and City Council or City Board of Adjustment. Furthermore, the applicant(s) request the City of Mitchell to publish the appropriate notice(s) in accordance with the City of Mitchell's Ordinances.

☒ **Rezoning** *\$250 application fee due with the application.*

- Applicant is request to rezone property from HB District to TWC District.

☐ **Variance** *\$150 application fee due with application.*

- Description of Variance: Click or tap here to enter text.
- Description of Hardship: Click or tap here to enter text.

☐ **Conditional Use Permit** *\$150 application fee due with application*

- Description of Conditional Use: [Click or tap here to enter text.](#)

☐ **Plat Application** *\$100 application fee due with application*

This Application is for the following described real property:

Legal Description: **Lot 1 Ex Lot H6 in the SE ¼ of Davison County, South Dakota.**

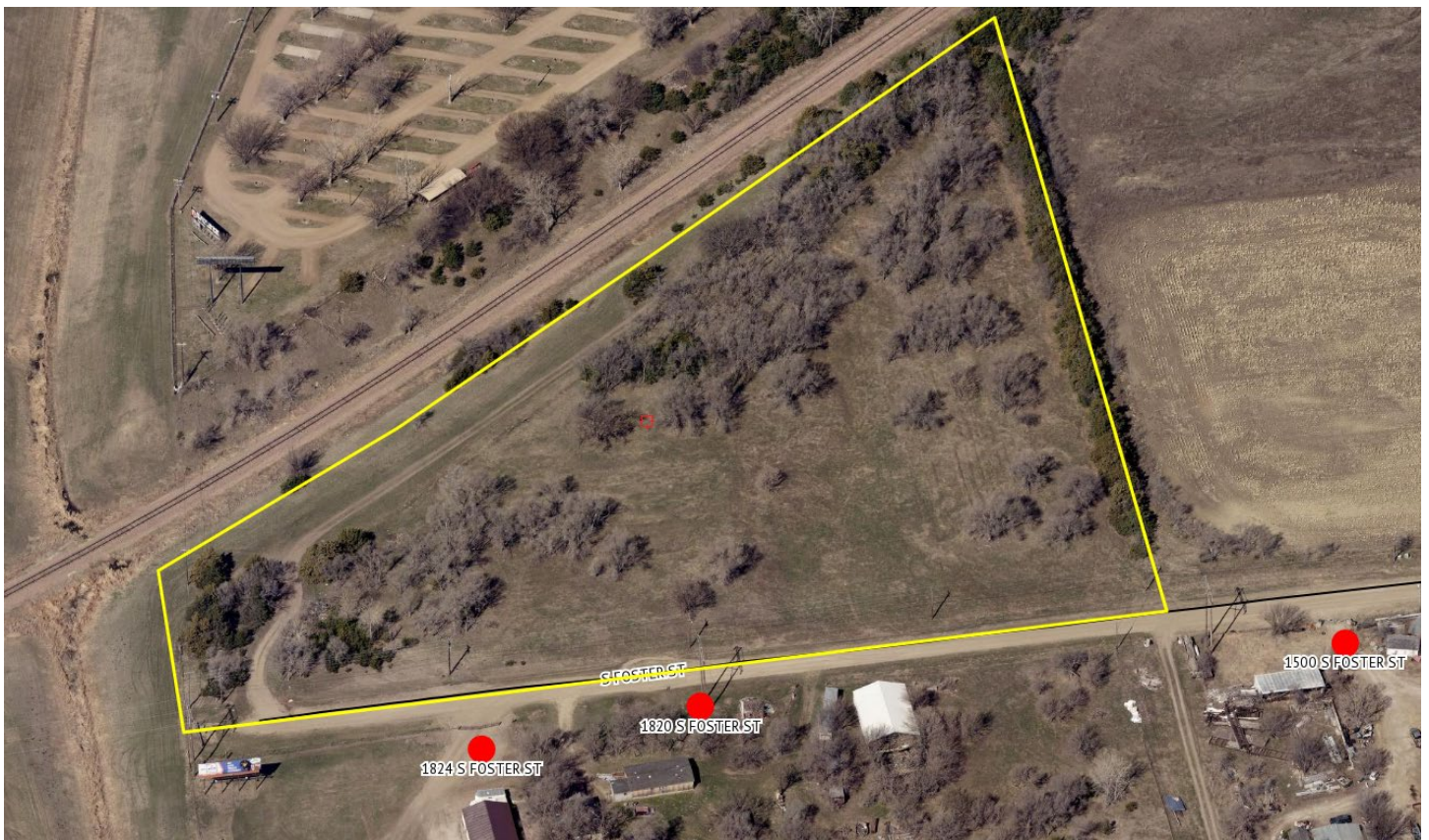
Property Address: **1600 to 1900 Block of S Foster st**

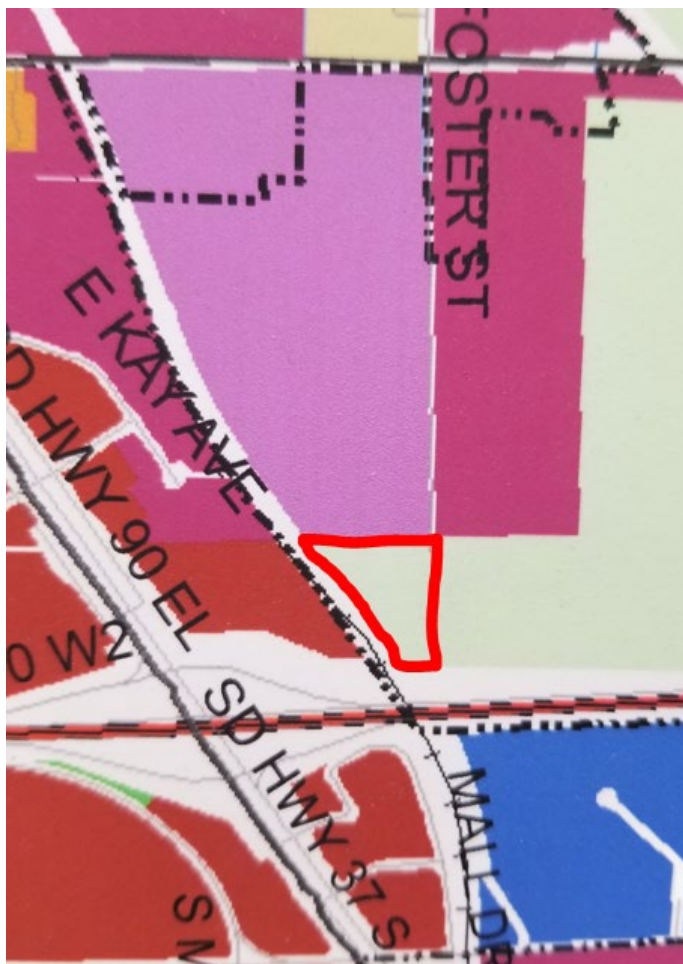
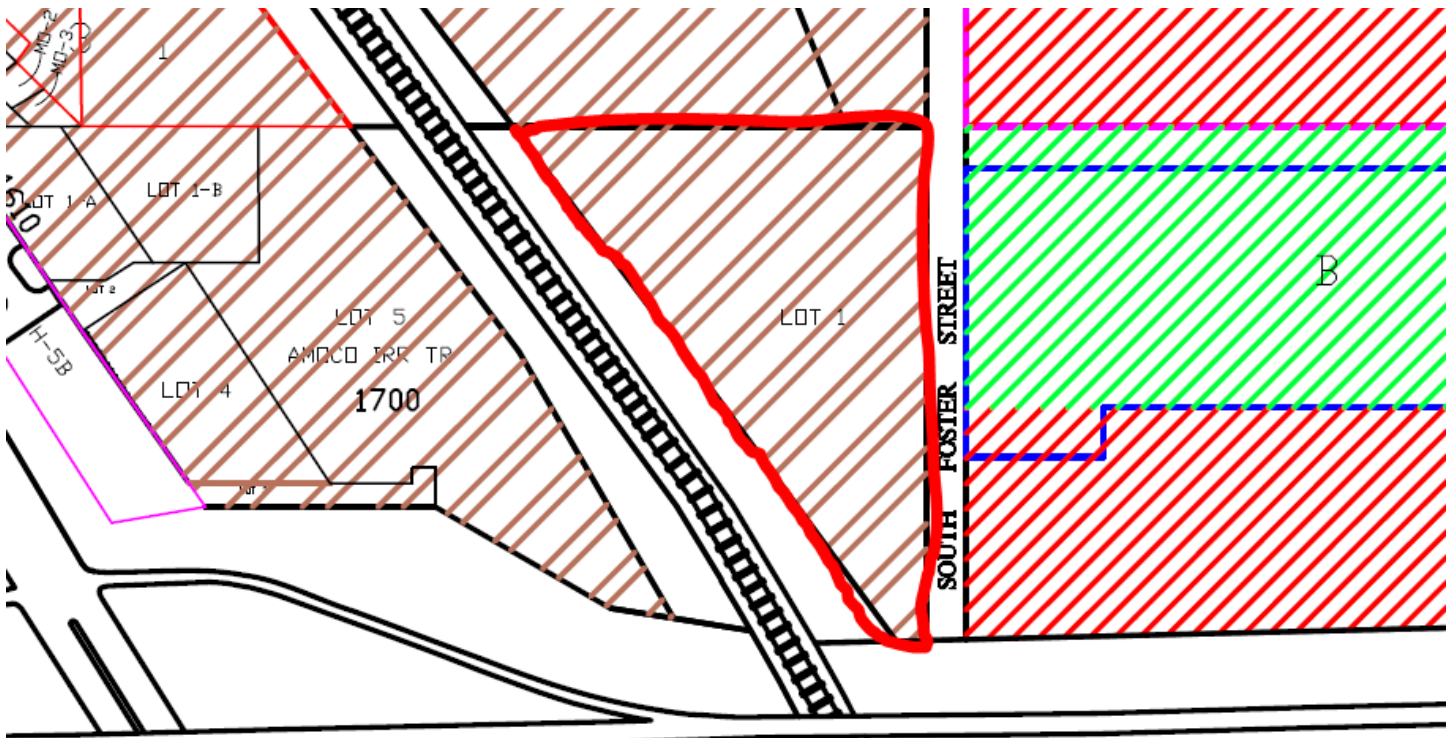
Dated this 5th **of** August, 2024.

APPLICANT

A handwritten signature in black ink, appearing to read "Cal Khan", written over a horizontal line.

Dakota Land & Property Management LLC
OWNER





Legend

- Local Roads
- Municipal Boundaries

Land Use Plan

- Agriculture
- Downtown Commercial
- Employment Area/Offices/Business Park
- Heavy Commercial/Transportation/Warehousing/Utilities
- Industrial/Production
- Low Density Residential
- Medium Density Residential
- Mixed Use
- Neighborhood Commercial/Services
- Open Space
- Parks Rec - Conservation
- Regional Commercial
- Rural Residential
- Rural Village
- Schools - Public - Cultural
- Preserved Open Space
- SD Highways
- Interstates

NOTICE OF HEARING

TO: Mitchell City Planning Commission, City Council, and the General Public:

The City Planning Commission has scheduled a public hearing and action on the following ordinance. The Planning Commission hearing will be Monday August 26, 2024 at 12:00 p.m., the City Council will consider 1st Reading of the Ordinance on Tuesday, September 3, 2024 at 6:00 p.m. and 2nd Reading and Adoption on Monday, September 16, 2024 at 6:00 p.m. all meetings will be held in the Council Chambers, City Hall, 612 N Main St, Mitchell, SD. All interested parties are encouraged to attend the meetings.

ORDINANCE NO. O2024-

AN ORDINANCE OF THE CITY OF MITCHELL, THAT CHANGES THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS; Lot 1 Ex Lot H6 in the SE ¼ of Section 27, Township 103 N, Range 60 W of the 5th P.M., Davison County, South Dakota; be changed from HB Highway Oriented Business District to TWC Transportation, Warehousing and Commercial District AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME.

BE IT ORDAINED BY THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA:

Section 1: THE ZONING DISTRICT CLASSIFICATION OF THE REAL PROPERTY LEGALLY DESCRIBED AS, Lot 1 Ex Lot H6 in the SE ¼ of Section 27, Township 103 N, Range 60 W of the 5th P.M., Davison County, South Dakota; be changed from HB Highway Oriented Business District to TWC Transportation, Warehousing and Commercial District AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME.

Section 2. The City Finance Officer shall publish notice of this ordinance and the same shall be effective 20 days after the completed publication thereof, unless the referendum shall be invoked as provided by law.

Passed and approved this the ____ day of _____, 2024.

MAYOR

ATTEST:

FINANCE OFFICER

{SEAL}

FIRST READING: September 3, 2024
SECOND READING: September 16, 2024
ADOPTION: September 16, 2024

Published three times: August 14 and 21, 2024 and September 4, 2024

Approximate Costs:

Dakota Land & Property Management LLC
PO Box 673
Mitchell, SD 57301

Hohn Brothers LLC
1510 S Burr St
Mitchell, SD 57301

CM & ST P RY CO
400 W Madison
Chicago, IL 60606

Rocky & Diane Brenden
1221 E Havens Ave
Mitchell, SD 57301

Wayne Chenoweth
2924 Dailey Dr
Mitchell, SD 57301

K2 Towers III LLC
57 E Washington St
Chagrin Falls, OH 44022

Marlene & Paul Mutziger
25961 411th Ave
Mitchell, SD 57301

H & P Inc
401 E Ash Ave
Mitchell, SD 57301

Thomsen Family LLC
1920 Highland Way
Mitchell, SD 57301

MTI Foundation
8753 Cedar Hammock Blvd
Naples, FL
34112



TO: THE MITCHELL PLANNING COMMISSION AND CITY COUNCIL OR BOARD OF ADJUSTMENT, THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

The undersigned applicant(s) and owner(s) is hereby making an application pursuant to the provisions of the City of Mitchell Zoning Code.

The names and addresses of the current property owners within one hundred and forty feet (140') of the applicant's property (excluding streets and alleys) will be notified upon the filing of this application, plats being the exception.

Applicant(s) request that dates be set for public hearings before the Mitchell Planning Commission and City Council or City Board of Adjustment. Furthermore, the applicant(s) request the City of Mitchell to publish the appropriate notice(s) in accordance with the City of Mitchell's Ordinances.

☐ **Rezoning** \$250 application fee due with the application.

- Applicant is request to rezone property from [Click or tap here to enter text.](#) District to [Click or tap here to enter text.](#) District.

☒ **Variance** \$150 application fee due with application.

- Description of Variance: Front yard setback of 1'-6" vs 35'.
- Description of Hardship: Applicant was approved for a 15' vs 35' setback in 2003 and now would like to build a 16' x 40' addition of more offices on the front side of the building near other existing offices.

☐ **Conditional Use Permit** \$150 application fee due with application

- Description of Conditional Use: [Click or tap here to enter text.](#)

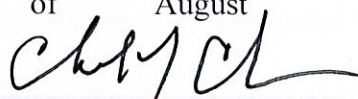
☐ **Plat Application** \$100 application fee due with application

This Application is for the following described real property:

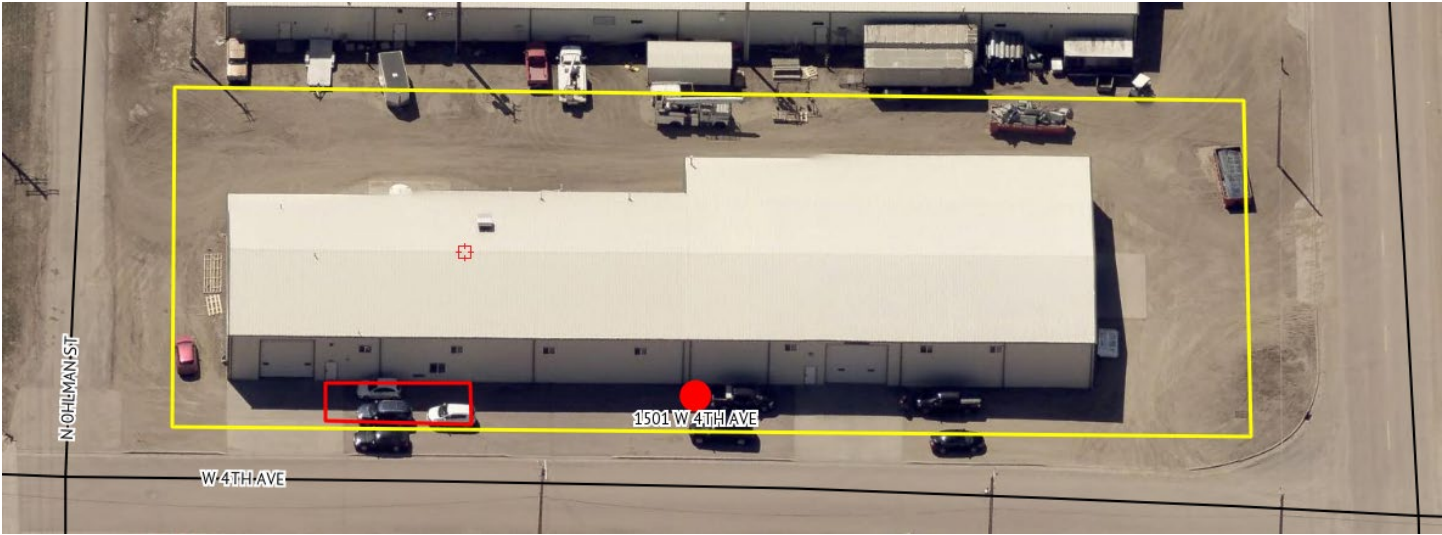
Legal Description: Lots 1-6 Ex H-1 of Lot 6, Block 29 Home Park Addition, City of Mitchell, Davison County, South Dakota

Property Address: 1501 W 4th Ave

Dated this 6th of August, 2024.


APPLICANT

Central Plains Properties LLC
OWNER



NOTICE OF HEARING

To: The Planning Commission, Board of Adjustment of the City of Mitchell, Mitchell South Dakota, and to the general public:

YOU ARE HEREBY NOTIFIED that Central Plains Automation Inc has applied for a variance permit for front yard setback of 1'-6" vs 35' to build a 16' x 40' office addition; located at 1501 W 4th Ave, legally described as Lots 1-6 Ex H-1 of Lot 6, Block 29 Home Park Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned TWC Transportation Warehousing & Commercial District.

YOU ARE FURTHER NOTIFIED, that public hearings will be held by the City Planning Commission on Monday, August 26, 2024, 12:00 P.M. (Noon) and the Board of Adjustment on Tuesday, September 3, 2024 at 6:00 P.M., at the Council Chambers, Mitchell City Hall, 612 N Main St. All interested parties may attend the public hearings and provide comments in regards to the applicant's request.

Dated this 8th day of August, 2024.

Michelle Bathke

FINANCE OFFICER

Publish once: 14th day of August, 2024

Approximate Cost:

Central Plains Properties LLC
1501 W 4th Ave
Mitchell, SD 57301

Central Plains Automation Inc
PO Box 69
Mitchell, SD 57301

Michael & Michelle Robertson
1612 W 4th Ave
Mitchell, SD 57301

Gold Key Properties LLC
1660 E 8th Ave
Mitchell, SD 57301

Mueller Lumber Company
400 N Ohlman St
Mitchell, SD 57301

Marvin Hanson
PO Box 971
Mitchell, SD 57301

Nathan Hess
1700 W 4th Ave
Mitchell, SD 57301

Paulson Family Properties
1011 Circle Dr
Mitchell, SD 57301

South Dakota Dept of Transportation
700 E Broadway Ave
Pierre, SD 57501

August 14, 2024

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that Central Plains Automation Inc has applied for a variance permit for front yard setback of 1'-6" vs 35' to build a 16' x 40' office addition; located at 1501 W 4th Ave, legally described as Lots 1-6 Ex H-1 of Lot 6, Block 29 Home Park Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned TWC Transportation Warehousing & Commercial District.

YOU ARE FURTHER NOTIFIED that the City Planning Commission will be conducting a hearing on this application on Monday, August 26, 2024, 12:00 P.M. (Noon) and the Board of Adjustment on Tuesday, September 3, 2024 at 6:00 P.M, all meetings will be in the Council Chambers, City Hall, 612 N. Main St, Mitchell, SD. All interested parties may attend the hearings.

All interested parties may be present and be heard on said request, either in person or by agent. Please submit written comments by 5:00 P.M. the Friday prior to the meeting, in the City of Mitchell Public Works Office or Finance Office.

I/We Scott Paulson
OWNER

1500 West 3rd Ave.

ADDRESS

X

APPROVE

DISAPPROVE

COMMENTS: