



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