



Planning Commission 9-9-24 Agenda
City Council Chambers, City Hall, 612 N. Main Street
September 9, 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 26, 2024**
- 6. Schedule Next Meeting: September 23, 2024**
- 7. Conditional Use Permit: Alexis Kress**

Alexis Kress has applied for a conditional use permit to operate a Family Residential Daycare; located at 423 W 11th Ave, legally described as Lot 6, Block 40, Capital Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R2 Single Family Residential District.
- 8. Rezone Hearing and Recommendation: North Main Development LLC**

Lot 12, Maui Farms First Addition in Section 34, T 104 N R 60 W of the 5th P.M., Davison County, South Dakota; be changed from UD Urban Development District to TWC Transportation, Warehousing and Commercial District AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME (110 E 54th Ave).
- 9. Rezone Hearing and Recommendation: Horsemens' Sports Inc**

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; be changed from TWC Transportation, Warehousing and Commercial District to RL Lake Residential District AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME (across from 44 & 46 N Harmon Dr).
- 10. Plat: James & Glenda Hohn**

Plat of Tract A of Glenda's Addition, in the S 1/2 of the NE 1/4 of Section 16, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota
- 11. Plat: Maui Farms Inc**

Plat of Lot 24 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. City of Mitchell, Davison County, South Dakota
- 12. Hearing and Action on Establishing the Boundaries and Approval of the Project Plan for Tax Increment Financing District #38-Postpone to future date**

13. Other Business:

14. 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.

15. 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 8-26-24
City Council Chambers, City Hall, 612 N. Main Street
August 26, 2024

1. Call to Order

Chairperson Genzlinger called the August 26, 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), Osterloo, Sonne.

Absent: Havlik, Schmitz, Schreurs.

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

3. Declaration Of Conflicts Of Interests

None.

4. Approve Agenda

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

5. Approval of Previous Minutes: August 12, 2024

Motion by Osterloo, seconded by Sonne to approve the proposed minutes of the August 12, 2024 Planning Commission Meeting. Roll call vote: Genzlinger – aye, Havlik – absent, Jirsa – aye, Osterloo – aye, Schmitz – absent, Schreurs – absent, Sonne – aye. 4 aye, 0 nay, 3 absent; motion carried.

6. Schedule Next Meeting: September 9, 2024

Motion by Sonne, seconded by Osterloo to set the date for the next Planning Commission Meeting for September 9, 2024. Roll call vote: Genzlinger – aye, Havlik – absent, Jirsa – aye, Osterloo – aye, Schmitz – absent, Schreurs – absent, Sonne – aye. 4 aye, 0 nay, 3 absent; motion carried.

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.

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 returned in favor. The applicant was not present to answer questions.

Osterloo questioned whether it was going to be enclosed, and it was answered it was not going to be.

Genzlinger noted the amount of area of the area already covered, but Jenniges noted this is zoned R4 which allows 75% coverage. Genzlinger also stated his concerns that if it is approved now, a couple of years down the road they will just enclose it.

Sonne noted that this setback isn't for a garage or driveway and doesn't foresee it becoming that situation in the future. He doesn't think anyone will ever park in front of this like other variance requests are looked at.

Motion by Osterloo, seconded by Sonne to recommend approval of the variance. Roll call vote: Genzlinger – nay, Havlik – absent, Jirsa – aye, Osterloo – aye, Schmitz – absent, Schreurs – absent, Sonne – aye. 3 aye, 1 nay, 3 absent; motion carried.

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.

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 that was not in favor and did not make the packet but was handed out at the meeting. The applicant was present to answer questions.

Jenniges said there was a complaint turned into his office about the business and the amount of stuff being stored on the property. He said he sent a letter to the landowner, and he came within the time allowed and requested a conditional use permit for the two items. Jenniges showed the pictures of the business being operated and the amount of stuff on the property. Some of which used to be on city property, but they have been removed from there. He also requested that there be two separate motions for the conditional use permits but understood discussion could overlap between the two of them.

Derek Davis is the owner of Mitchell Towing and Recovery and said they applied be to on the City of Mitchell's towing list and they were approved for that and didn't realize it required a conditional use permit as well to operate at this location. He said Josh also thought there was a CUP for the land already, so nothing new was required. Davis asked to keep the business separate from the outside storage CUP. He said vehicles can sit there for 45 days before being removed if no one claims the vehicle.

Jirsa questioned if a fence could be put up and if it was going to turn into a parking lot out there. Davis answered they have begun installing fencing in the area already and they have put gates up on the road side of the business so as to not be able to see past it. He also noted there will be new neighbors to the north.

Osterloo asked about the other business that there was a sign on the building, which is AAA Lawncare. Jenniges replied that that signage is permitted in UD and that the business isn't actually taking place there, it is happening at a different location, they just bring their vehicles back to this site. Jenniges also noted that with that business they are not allowed to bring back grass clippings or tree trimmings to this location they would have to be disposed of elsewhere. Davis did note that the lawncare business is ceasing in the near future, and they are just going to plow snow and not do lawncare anymore.

Dennis Kiner Jr stated he was there representing his parents and some of the neighbors. His parents overlook the property and they can see everything and there isn't a fence tall enough to hide it all. They believe there is a fight between the city/county as to whose jurisdiction is out there. His parents have spent over \$2,000 planting bushes and shrubs to block the view. They would like to know why they are starting another business when they can't maintain the existing land. They are worried about cars being stacked on top of each other. Kiner did note that he is working on cleaning up his land and organizing his property because everyone from Maui & Daily Drive can see it. He has concerns about property values dropping if an "H&R Salvage" were to move next door. They do not have an issue with the towing business moving onto the land just want everything else cleaned up and organized.

Pam Kiner representing her and her husband said there will be a new owner taking possession of their house on August 28th, 2024. She said they are not against a towing company being next door but don't want it to turn into a salvage yard. She believes that semi's are not pleasing to the eye but understands buildings are expensive to build. She thinks H & R Salvage on old Hwy 16 is visibly pleasing from the road. She said someone from the city/county needs to take responsibility for complaints.

Josh Frost said the contract with the city will require cameras and gates. They need to be able to hold 10 cars for the city contract. They are in the process of putting up a fence. The telephone poles he has are untreated, and he cuts them up and splits them for his use. The rafters are for a future addition to one of the sheds.

Sonne questioned what all he has stored or what all he is going to store or use it for. Frost answered wood goes into trailers, and he has a couple of cars for demo derby's. Once they have reached their useful value he gets ride of them.

Justin Johnson clarified that the City of Mitchell is responsible for zoning and building permits in the ETJ. The county is responsible for nuisance codes and burning restrictions. He believes outside storage will be a hard CUP to address and police, outside storage can turn into a junkyard. HE also noted the board could put conditions with the CUP one of which being a review period.

Jirsa said he would like to see something on paper explaining what they are going to do with everything and the time frame for the operation. Genzlinger was in agreement.

Mayor Hason said Josh and Derek are both his friends. He would like to see the board give

them an opportunity before being shot down. He knows they have a significant investment in their business.

Motion by Sonne, seconded by Osterloo to recommend approval of the outside storage conditional use permit with the condition that there is a review of the conditional use permit at the first meeting in October 2024 and there is a plan written on paper for the materials on site, the location of where the materials will be placed, fence location and type and also a schedule for when all of it will be cleaned up or organized. Roll call vote: Genzlinger – aye, Havlik – absent, Jirsa – aye, Osterloo – aye, Schmitz – absent, Schreurs – absent, Sonne – aye. 4 aye, 0 nay, 3 absent; motion carried.

Motion by Sonne, seconded by Osterloo to recommend approval of the automotive sales, repair, parts and detailing conditional use permit with the condition that there is a review of the conditional use permit at the first meeting in October 2024 and there is a written plan on paper for location of vehicle placement, fencing type and location, business hours and also a schedule for when all the work will be completed. Roll call vote: Genzlinger – aye, Havlik – absent, Jirsa – aye, Osterloo – aye, Schmitz – absent, Schreurs – absent, Sonne – aye. 4 aye, 0 nay, 3 absent; motion carried.

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).

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 opposed just one phone call with questions. The applicant was present to answer questions.

Jenniges gave an overview of the area and the current zoning and comprehensive plan.

The applicant stated he would like to have the land switched to give him more options for what he can use the land for.

Genzlinger noted that Highway Business doesn't make since even though it's next to the interstate it would take along time to get there since it's not a direct route.

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

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.

Jenniges noted that a notice was sent out to the neighbors, it was published in the official newspaper and sign posted. There was one in favor that made the packet and one that had questions that did not make the packet but was handed out at the meeting. The applicant was present to answer questions.

Jenniges gave an overview of the area. He also noted they were approved for a 15' variance in 2003 but built back at 17'-6". They are now requesting a new variance to build an office addition.

The applicant stated the reason for requesting the variance on the north side of the building and not on the west or on the south is because the current offices are adjacent to that location. If they were to build it elsewhere they would have to move existing equipment and storage tanks. Also, with the parking concern, he has one part-time person that parks on the road. He could have them park elsewhere to make sure trucks can get through. They are a small business of about 10 employees.

Genzlinger questioned what the traffic load was like on 4th Ave, to which was answered not a lot, but some because there is residential in the area and also Mueller Lumber. However, their business does not get a lot of foot traffic, just mainly the deliveries on the west end.

Chuck Paulson said he built the building before the road was even built.

Genzlinger questioned if there were any concerns from Public Works. It was answered that there is still a boulevard for pushing snow onto, this variance is from the property line. The addition would be out of the site triangle for the street to the east. The only possible concern would be sidewalk close to the addition, but there are no plans to put sidewalk in this area at this time.

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

11. Other Business:

None.

12. Public Input:

None.

13. Adjourn

Chairperson Genzlinger adjourned the meeting at 1:05 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 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: [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: Family Residential Daycare

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

This Application is for the following described real property:

Legal Description: Lot 6, Block 40, Capital Addition, City of Mitchell, Davison County, South Dakota

Property Address: 423 W 11th Ave

Dated this 13th of August, 2024.

A handwritten signature in black ink, appearing to read "Alexis Kress", written over the word "APPLICANT".

APPLICANT

Alexis Kress
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 Alexis Kress has applied for a conditional use permit to operate a Family Residential Daycare; located at 423 W 11th Ave, legally described as Lot 6, Block 40, Capital Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R2 Single Family Residential District.

YOU ARE FURTHER NOTIFIED, that public hearings will be held by the City Planning Commission on Monday, September 9, 2024, 12:00 P.M. (Noon) and the Board of Adjustment on Monday, September 16, 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 22nd day of August, 2024.

Michelle Bathke

FINANCE OFFICER

Publish once: 28th day of August, 2024

Approximate Cost:

Alexis Kress
423 W 11th Ave
Mitchell, SD 57301

Scott Sievert
422 W 11th Ave
Mitchell, SD 57301

Brandon Thompson
Kaycee McGuire
41506 Hwy 42
Ethan, SD 57334

Mid Dakota Properties IIX LLC
817 N Sanborn Blvd
Mitchell, SD 57301

Hauer Rentals LLC
2021 W 23rd Ave
Mitchell, SD 57301

Cody Vanthuyne
509 W 11th Ave
Mitchell, SD 57301

Joshua Gebhart
505 W 11th Ave
Mitchell, SD 57301

Trina & Kendall Frey
1021 N Edmunds St
Mitchell, SD 57301

Thomas Bannwarth
419 W 11th Ave
Mitchell, SD 57301

Determan Family LLC
PO Box 193
Mitchell, SD 57301

Bori Willoughby
804 N Sanborn Blvd
Mitchell, SD 57301

Beverly Yates
Gary Carlson
2201 N Kimball St
Apt #7
Mitchell, SD 57301

Robert & Gayle Norwick
400 Parkwood Dr
Apt #126
Pierre SD 57501

Tanner Pereboom
422 W 10th Ave
Mitchell, SD 57301

Boyd & Kay Reimintz
817 N Sanborn Blvd
Mitchell, SD 57301

Walter & Jan Ell
35590 S Hwy 77
Lot 61
Tucson, AZ 85739

Ricky & Levi Hohn
912 E 3rd Ave
Mitchell, SD 57301

City of Mitchell
612 N Main St
Mitchell, SD 57301

August 28, 2024

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that Alexis Kress has applied for a conditional use permit to operate a Family Residential Daycare; located at 423 W 11th Ave, legally described as Lot 6, Block 40, Capital Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R2 Single Family Residential District.

YOU ARE FURTHER NOTIFIED that the City Planning Commission will be conducting a hearing and make their recommendation to the Board of Adjustment on this application on Monday, September 9, 2024, 12:00 P.M. (Noon) and the Board of Adjustment will render the final decision at a hearing on Monday, September 16, 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.

The complete application and all supporting documents can be found on the City of Mitchell's agenda center located @ <https://mitchellsd.portal.civicclerk.com/>. If you have any questions regarding this matter, you can reach Mark Jenniges at the above location and phone number or by email @ mark.jenniges@cityofmitchellsd.gov .

I/We Rick Hohn
OWNER
410 West 10th Ave
ADDRESS

☒ APPROVE

☐ DISAPPROVE

COMMENTS:

August 28, 2024

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that Alexis Kress has applied for a conditional use permit to operate a Family Residential Daycare; located at 423 W 11th Ave, legally described as Lot 6, Block 40, Capital Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R2 Single Family Residential District.

YOU ARE FURTHER NOTIFIED that the City Planning Commission will be conducting a hearing and make their recommendation to the Board of Adjustment on this application on Monday, September 9, 2024, 12:00 P.M. (Noon) and the Board of Adjustment will render the final decision at a hearing on Monday, September 16, 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.

The complete application and all supporting documents can be found on the City of Mitchell's agenda center located @ <https://mitchellsd.portal.civicclerk.com/>. If you have any questions regarding this matter, you can reach Mark Jenniges at the above location and phone number or by email @ mark.jenniges@cityofmitchellsd.gov.

I/We Boyd + Kay Beinnity + MDP 11X
OWNER
401 W 11th + 416 W 11th
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 fee due with the application.*

- Applicant is request to rezone property from UD 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 12 Maui Farms First Addition in Section 34, T 104 N, R 60 W of the 5th P.M., Davison County, South Dakota.

Property Address: 110 E 54th Ave

Dated this *14th* **day of** *August* **, 2024.**

APPLICANT

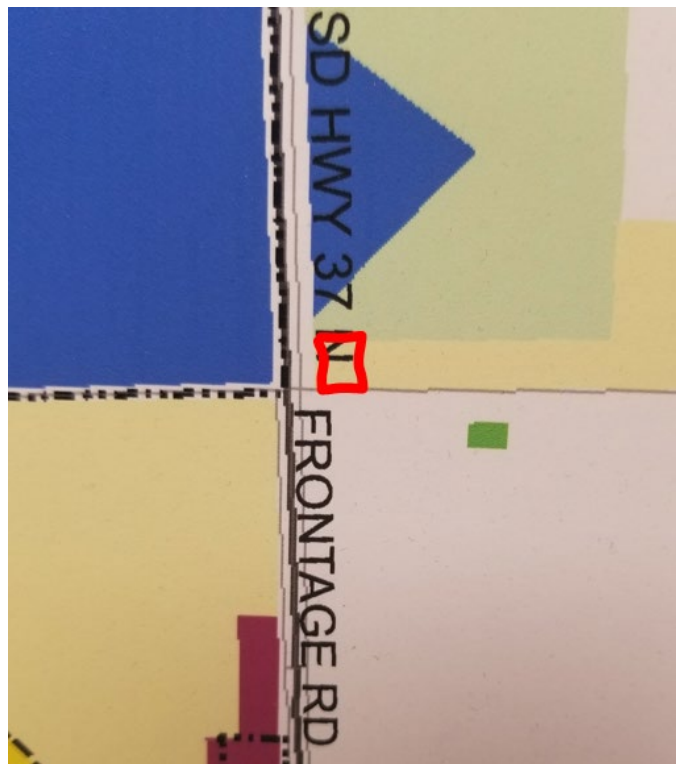
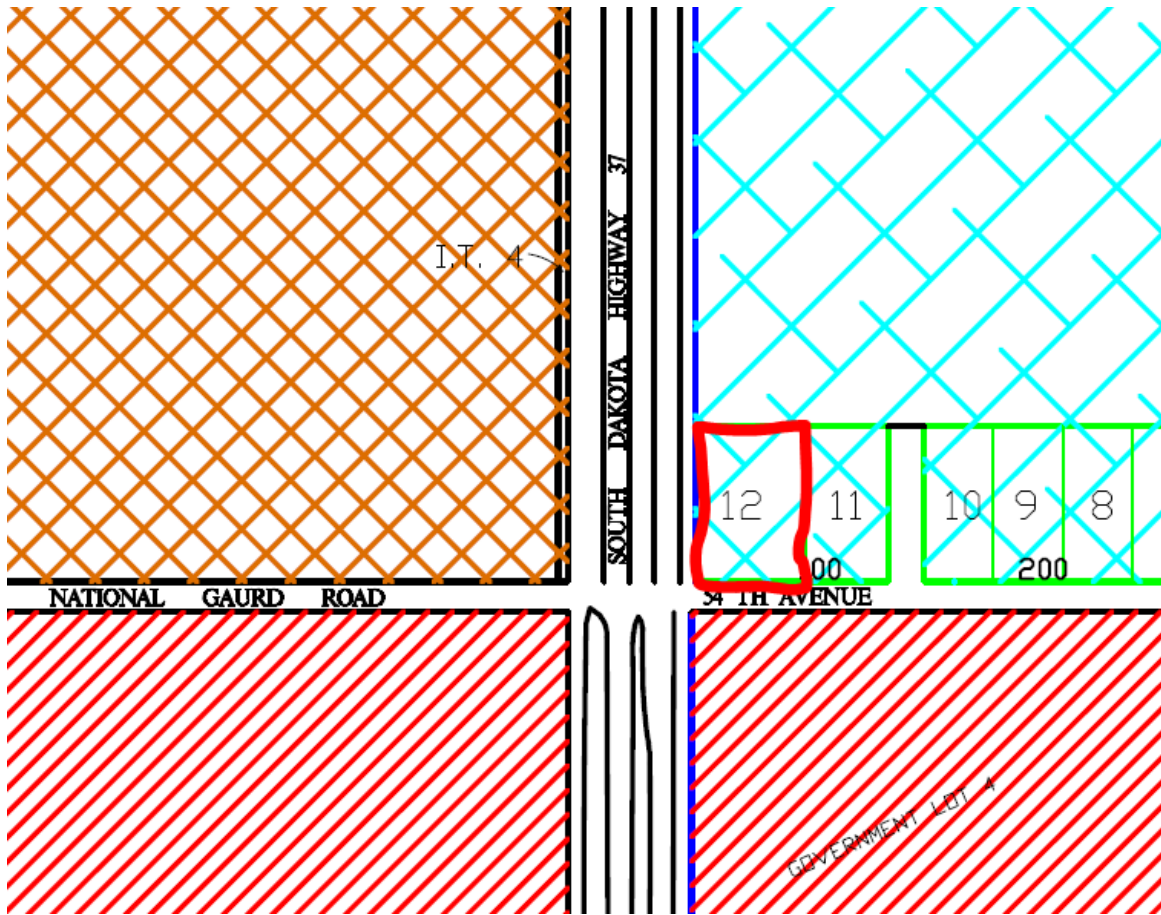
North Main Development LLC

OWNER

Matt Derr, Member

605-760-0627





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 September 9, 2024 at 12:00 p.m., the City Council will consider 1st Reading of the Ordinance on Monday, September 16, 2024 at 6:00 p.m. and 2nd Reading and Adoption on Monday, October 7, 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 12, Maui Farms First Addition in Section 34, T 104 N R 60 W of the 5th P.M., Davison County, South Dakota; be changed from UD Urban Development 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 12, Maui Farms First Addition in Section 34, T 104 N R 60 W of the 5th P.M., Davison County, South Dakota; be changed from UD Urban Development 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 16, 2024
SECOND READING: October 7, 2024
ADOPTION: October 7, 2024

Published three times: August 28, 2024 and September 4 and 25, 2024

Approximate Costs:

North Main Development LLC
PO Box 601
Mitchell, SD 57301

Melvin & Brenda Eilts
821 Kynette Place
Mitchell, SD 57301

Daniel & Ruby Ries
1401 E Birch Ave
Lot 15
Mitchell, SD 57301

Michael & Jean Haley
25240 Campground Rd
Mitchell, SD 57301

CJM Consulting Inc
3240 Maui Dr
Mitchell, SD 57301

City of Mitchell
612 N Main St
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 TWC District to RL 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:

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

This Application is for the following described real property:

Legal Description: 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

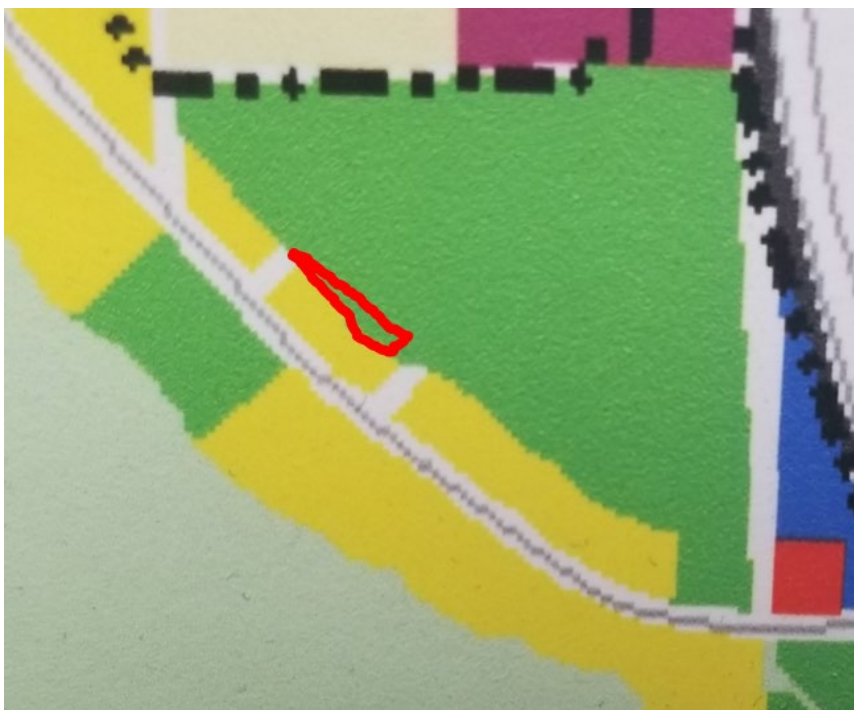
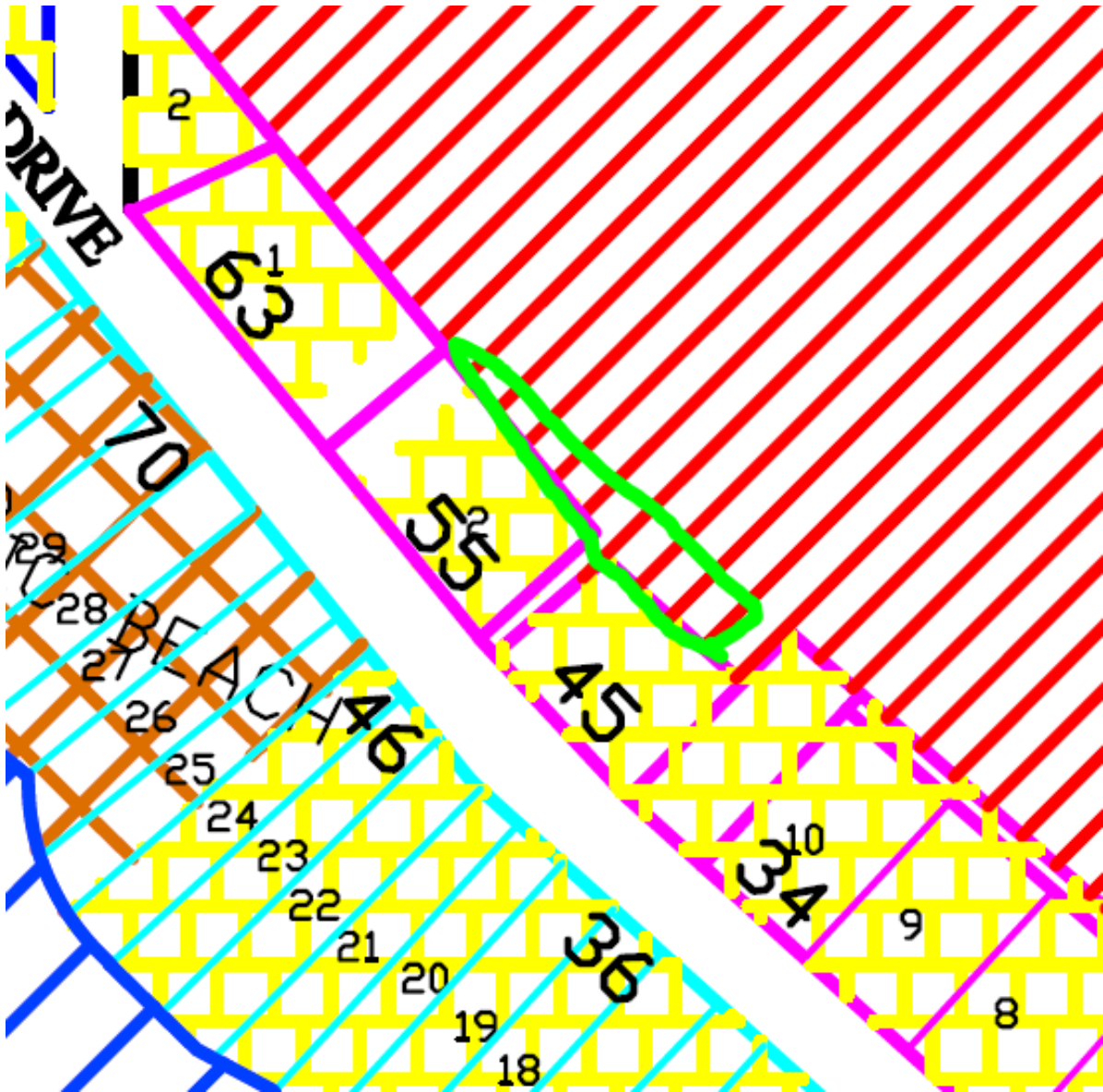
Property Address: **Across from 44 & 46 N Harmon Dr**

Dated this 21 **of** August, 2024.

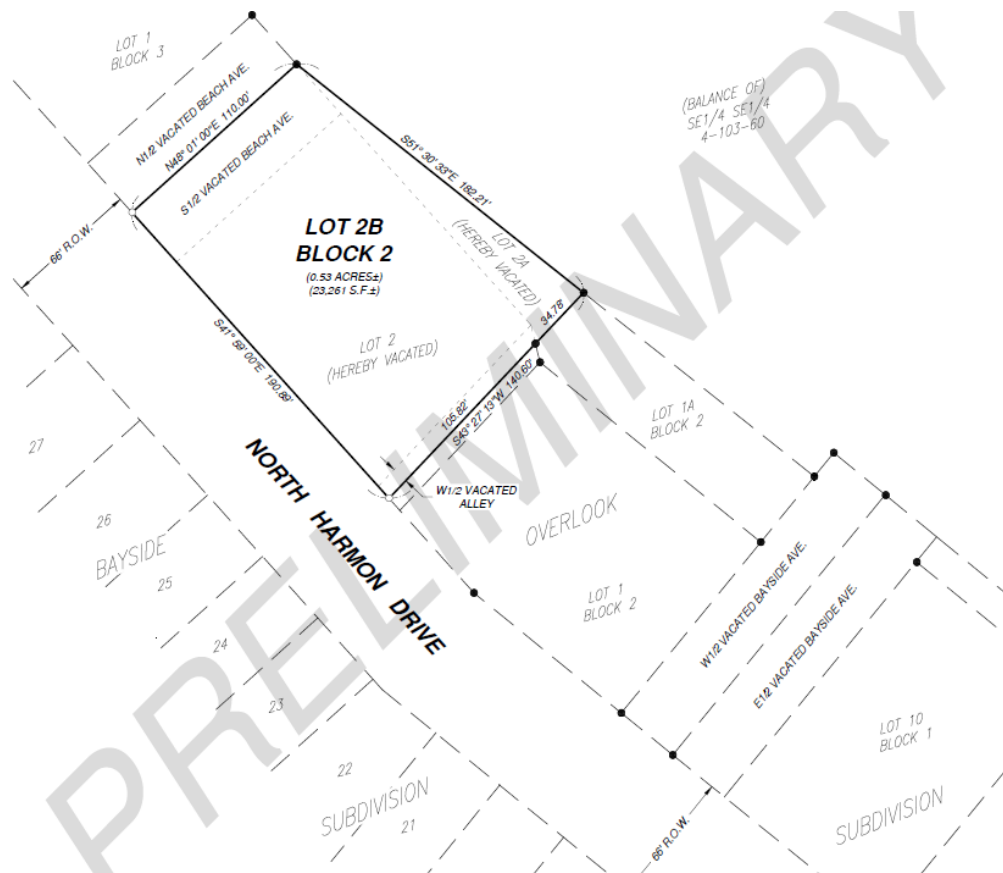
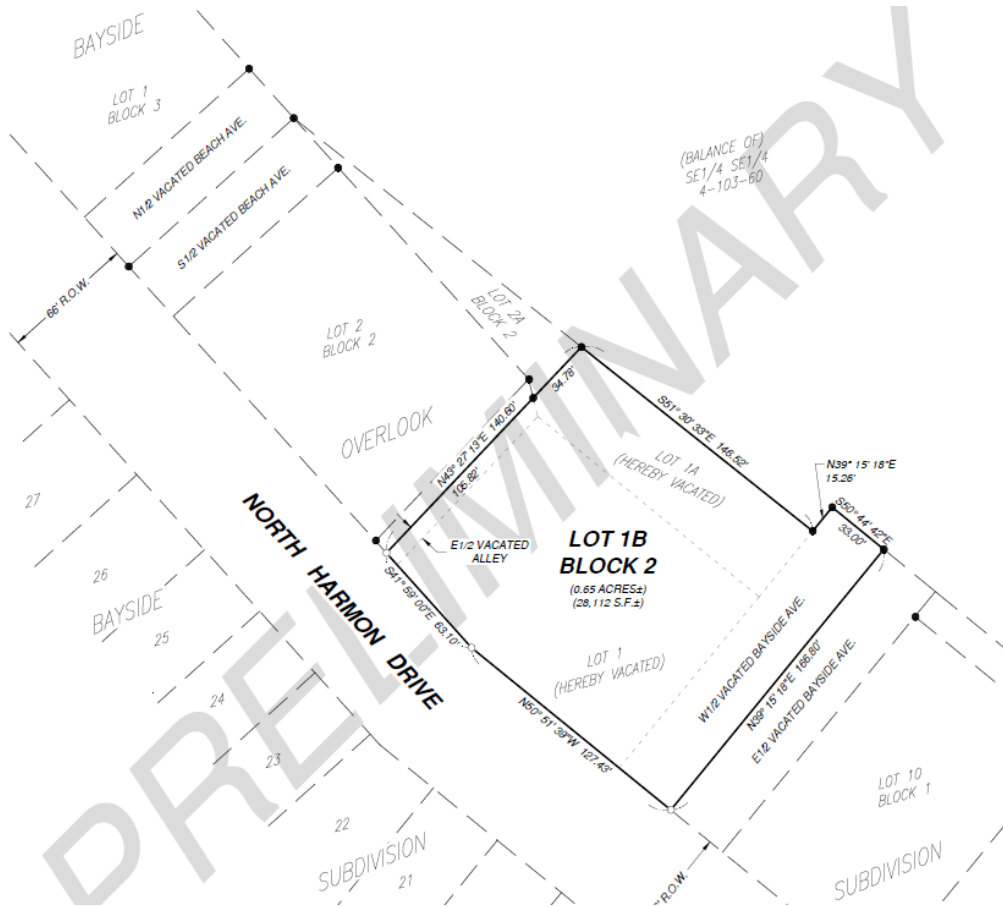
Horsemens' Sports Inc
APPLICANT

Horsemens' Sports Inc
OWNER





Overall Plan after platting, rezoning and replatting (vacating).



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 September 9, 2024 at 12:00 p.m., the City Council will consider 1st Reading of the Ordinance on Monday, September 16, 2024 at 6:00 p.m. and 2nd Reading and Adoption on Monday, October 7, 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; 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; be changed from TWC Transportation, Warehousing and Commercial District to RL Lake Residential 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, 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; be changed from TWC Transportation, Warehousing and Commercial District to RL Lake Residential 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 16, 2024
SECOND READING: October 7, 2024
ADOPTION: October 7, 2024

Published three times: August 28, 2024 and September 4 and 25, 2024
Approximate Costs:

Horseman Sports Inc
PO Box 1396
Mitchell, SD 57301

Kari & Jeremiah Kirchmeyer
63 N Harmon Dr
Mitchell, SD 57301

Robert & Julie Sebert
36 N Harmon Dr
Mitchell, SD 57301

Paul & Julie Darrington
44 N Harmon Dr
Mitchell, SD 57301

Pamela Winegardner
3421 SW 38th St
West Park, FL 33023

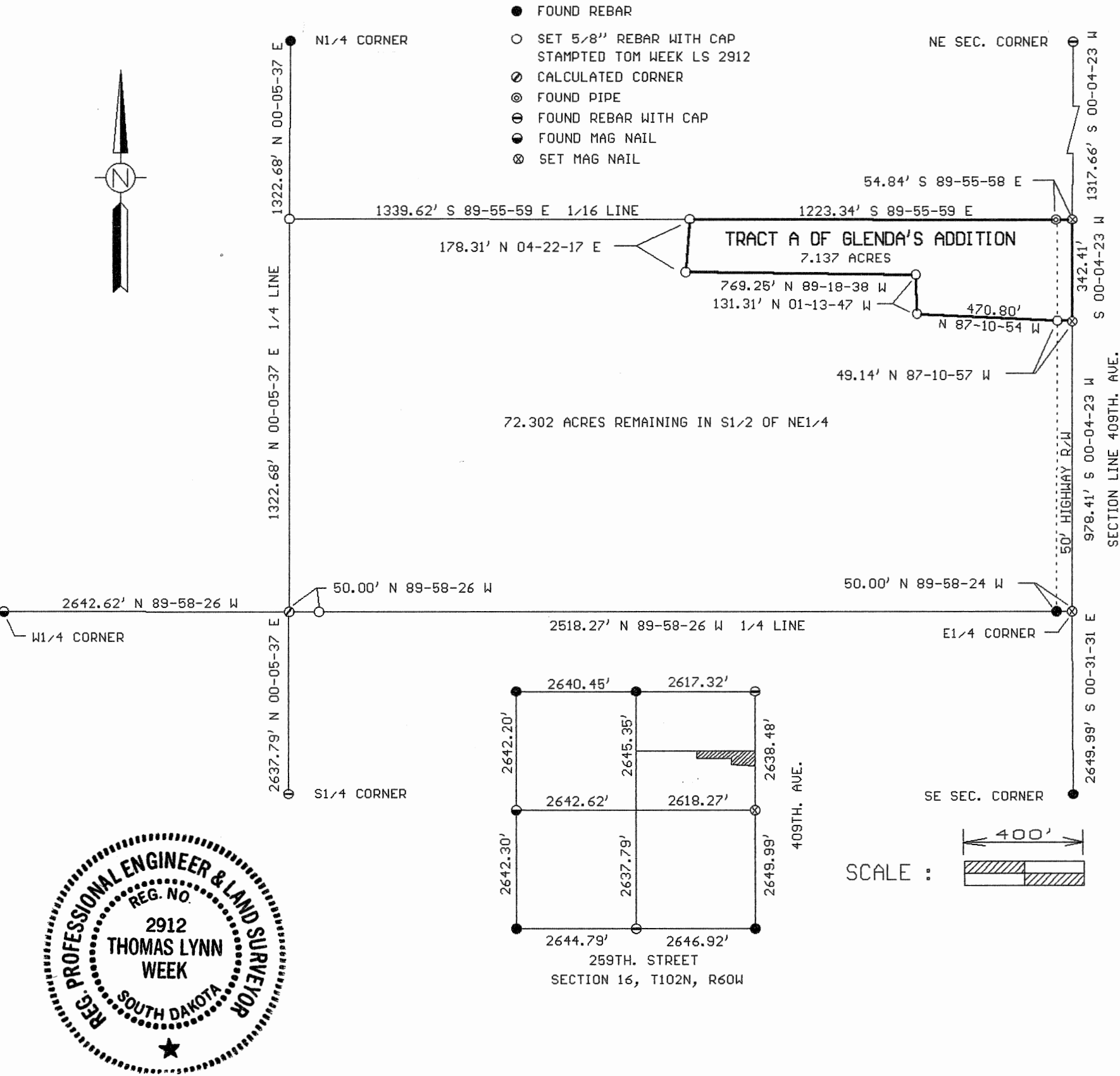
Koupal Family Trust
32 N Harmon Dr
Mitchell, SD 57301

Henry & Patricia Flack
40 N Harmon Dr
Mitchell, SD 57301

Timothy & Jacki Petersen
46 N Harmon Dr
Mitchell, SD 57301

City of Mitchell
612 N Main St
Mitchell, SD 57301

PLAT OF TRACT A OF GLENDA'S ADDITION, IN THE S1/2 OF THE NE1/4 OF SECTION 16, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA.



SURVEYORS CERTIFICATE

I, THOMAS LYNN WEEK, REGISTERED LAND SURVEYOR IN YANKTON, SOUTH DAKOTA, HAVE AT THE DIRECTION OF THE OWNERS, MADE A SURVEY OF TRACT A OF GLENDA'S ADDITION, IN THE S1/2 OF THE NE1/4 OF SECTION 16, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA. SAID SURVEY AND PLAT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I HAVE SET IRON PINS AS SHOWN AND SURVEY AND PLAT ARE CORRECT TO MY KNOWLEDGE AND BELIEF.

DATED THIS 18TH. DAY OF AUGUST, 2024.

THOMAS LYNN WEEK
REGISTERED LAND SURVEYOR
REG. NO. 2912

CERTIFICATE OF STREET AUTHORITY

THERE IS EXISTING ACCESS TO 409TH. AVE FROM TRACT A OF GLENDA'S ADDITION, ANY ADDITIONAL ACCESS WILL REQUIRE.

DATED THIS _____ DAY OF _____, _____.

COUNTY AUTHORITY

SHEET 1 OF 3

PREPARED BY:
TOM WEEK
407 REGAL DRIVE
YANKTON, SOUTH DAKOTA 57078
605-665-8333

PLAT OF TRACT A OF GLENDA'S ADDITION, IN THE S1/2 OF THE NE1/4 OF SECTION 16, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA.

OWNER'S CERTIFICATE AND AGREEMENT OF PROTECTION OF WATER

WE, JAMES J. HOHN AND GLENDA J. HOHN, DO HEREBY CERTIFY THAT WE ARE THE ABSOLUTE AND UNQUALIFIED OWNERS OF TRACT A OF GLENDA'S ADDITION, IN THE S1/2 OF THE NE1/4 OF SECTION 16, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA.

THAT THE ABOVE SURVEY AND PLAT WERE MADE AT OUR REQUEST AND UNDER OUR DIRECTION FOR THE PURPOSE OF LOCATING, MARKING AND PLATTING THE SAME, AND THAT SAID PROPERTY IS FREE FROM ALL ENCUMBRANCES. THE DEVELOPMENT OF THIS LAND INCLUDED IN THE BOUNDARIES OF TRACT A, SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING SUBDIVISION AND EROSION AND SEDIMENT CONTROL REGULATIONS. PURSUANT TO SDCL 11-3-8.1 AND 11-3-8.2 THE DEVELOPER OF THIS PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE RESPONSIBLE FOR PROTECTING ANY WATERS OF THE STATE LOCATED ADJACENT TO OR WITHIN SUCH PLATTED AREA FROM POLLUTION FROM SEWAGE FROM SUCH ADDITION, AND SHALL IN PROSECUTION OF SUCH PROTECTION CONFORM TO AND FOLLOW ALL REGULATIONS OF THE SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES RELATING TO THE SAME. ADDITIONALLY THE DEVELOPER OF THIS PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE LIABLE FOR ANY POLLUTION THAT OCCURS FROM FAILURE TO EXECUTE SUCH PROTECTIONS OR FOLLOW SUCH REGULATIONS, EXCEPTION BEING THOSE LOTS IN SUBDIVISIONS THAT SHOW DOCUMENTATIONS THAT WASTE WATER DRAINAGE SHALL BE CONNECTED TO A MUNICIPAL SYSTEM.

DATED THIS _____ DAY OF _____, _____.

_____ JAMES J. HOHN _____ GLENDA J. HOHN

STATE OF _____
COUNTY OF _____
ON THIS _____ DAY OF _____, _____, BEFORE ME THE UNDERSIGNED OFFICER, PERSONALLY APPEARED JAMES J. HOHN AND GLENDA J. HOHN, KNOWN TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND WHO ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED. IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES _____

_____ NOTARY PUBLIC

RESOLUTION OF COUNTY PLANNING COMMISSION

BE IT RESOLVED BY THE DAVISON COUNTY, SOUTH DAKOTA, PLANNING COMMISSION THAT THE ABOVE PLAT REPRESENTING TRACT A OF GLENDA'S ADDITION, IN THE S1/2 OF THE NE1/4 OF SECTION 16, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, AND FINDS AS A FACT THAT SAID PLAT IS IN CONFORMITY AND DOES NOT CONFLICT WITH THE MASTER PLAN FOR DAVISON COUNTY, AND THE SAME IS HEREBY APPROVED AND ITS ADOPTION BY THE BOARD OF COMMISSIONERS OF DAVISON COUNTY, SOUTH DAKOTA IS RECOMMENDED.

THE FOREGOING RESOLUTION WAS PASSED BY THE COUNTY PLANNING COMMISSION OF DAVISON COUNTY, SOUTH DAKOTA, AT A MEETING THEREOF HELD ON THE _____ DAY OF _____, _____.

_____ CHAIRMAN/VICE CHAIRMAN, PLANNING COMMISSION

RESOLUTION OF APPROVAL

WHEREAS, IT APPEARS THAT THE OWNERS THEREOF HAVE CAUSED A PLAT TO BE MADE OF THE FOLLOWING REAL PROPERTY: TRACT A OF GLENDA'S ADDITION, IN THE S1/2 OF THE NE1/4 OF SECTION 16, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA AND HAVE SUBMITTED SUCH PLAT TO THE COUNTY COMMISSION OF DAVISON COUNTY, SOUTH DAKOTA FOR APPROVAL. NOW THEREFORE BE IT RESOLVED, THAT SUCH PLAT HAS BEEN EXECUTED ACCORDING TO THE LAW AND SAME IS HEREBY APPROVED. THE COUNTY AUDITOR IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE ON SUCH PLAT A COPY OF THIS RESOLUTION AND CERTIFY THE SAME.

I, _____, COUNTY AUDITOR/DEPUTY AUDITOR OF DAVISON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF DAVISON COUNTY, SOUTH DAKOTA, ON THIS _____ DAY OF _____, _____.

_____ COUNTY AUDITOR/DEPUTY AUDITOR _____ CHAIRMAN/VICE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS

PLAT OF TRACT A OF GLENDA'S ADDITION, IN THE S1/2 OF THE NE1/4 OF SECTION 16, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA.

RESOLUTION OF CITY PLANNING COMMISSION

WHEREAS, THE PLAT OF TRACT A OF GLENDA'S ADDITION, IN THE S1/2 OF THE NE1/4 OF SECTION 16, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, PREPARED BY THOMAS LYNN WEEK, DULY LICENSED LAND SURVEYOR IN AND FOR THE STATE OF SOUTH DAKOTA, HERETOFORE FILED IN THE OFFICE OF CITY FINANCE OFFICER OF MITCHELL, SOUTH DAKOTA, HAS BEEN SUBMITTED TO THE CITY PLANNING COMMISSION OF THE SAID CITY OF MITCHELL, SOUTH DAKOTA; AND

WHEREAS, THE CITY PLANNING COMMISSION, IN REGULAR MEETING ASSEMBLED, HAD DULY CONSIDERED SAID PLAT AND FINDS AS A FACT THAT SAID PLAT IS IN CONFORMITY AND DOES NOT CONFLICT WITH THE MASTER PLAN FOR THE CITY OF MITCHELL, SOUTH DAKOTA, HERETOFORE ADOPTED BY THIS COMMISSION;

NOW THEREFORE, BE IT RESOLVED BY THE CITY PLANNING COMMISSION OF MITCHELL, SOUTH DAKOTA, THAT THE PLAT OF TRACT A OF GLENDA'S ADDITION, IN THE S1/2 OF THE NE1/4 OF SECTION 16, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, PREPARED BY THOMAS LYNN WEEK, A LAND SURVEYOR, BE AND THE SAME IS HEREBY APPROVED AND ITS ADOPTION BY THE CITY COUNCIL OF THE CITY OF MITCHELL, SOUTH DAKOTA, IS HEREBY RECOMMENDED.

I, _____, CHAIRMAN OF THE CITY PLANNING COMMISSION FOR THE CITY OF MITCHELL, SOUTH DAKOTA, DO HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS PASSED BY THE CITY PLANNING COMMISSION OF MITCHELL, SOUTH DAKOTA, AT A MEETING THEREOF HELD ON THE _____ DAY OF _____, _____.

CITY PLANNING COMMISSION BY: _____

RESOLUTION OF CITY COUNCIL

WHEREAS, IT APPEARS THAT THE CITY PLANNING COMMISSION OF THE CITY OF MITCHELL, SOUTH DAKOTA, DID DULY CONSIDER AND DID RECOMMEND THE APPROVAL AND ADOPTION OF THE HEREINAFTER DESCRIBED PLAT, AT ITS MEETING HELD ON THE _____ DAY OF _____, _____; AND WHEREAS, IT APPEARS FROM AN EXAMINATION OF THE PLAT OF TRACT A OF GLENDA'S ADDITION, IN THE S1/2 OF THE NE1/4 OF SECTION 16, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, AS PREPARED BY THOMAS LYNN WEEK, A DULY LICENSED LAND SURVEYOR IN AND FOR THE STATE OF SOUTH DAKOTA, THAT SAID PLAT IS IN ACCORDANCE WITH THE SYSTEM OF STREETS AND ALLEYS SET FORTH IN THE MASTER PLAN ADOPTED BY THE CITY PLANNING COMMISSION OF THE CITY OF MITCHELL, SOUTH DAKOTA, AND THAT SUCH PLAT HAS BEEN PREPARED ACCORDING TO LAW;

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MITCHELL, SOUTH DAKOTA, THAT THE PLAT OF TRACT A OF GLENDA'S ADDITION, IN THE S1/2 OF THE NE1/4 OF SECTION 16, T102N, R60W OF THE 5TH. P.M., DAVISON COUNTY, SOUTH DAKOTA, PREPARED BY THOMAS LYNN WEEK, A LAND SURVEYOR, BE AND THE SAME IS HEREBY APPROVED AND THE DESCRIPTION SET FORTH HEREIN AND THE ACCOMPANYING SURVEYOR'S CERTIFICATE SHALL PREVAIL.

I, _____, FINANCE OFFICER OF THE CITY OF MITCHELL, SOUTH DAKOTA, HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS PASSED BY THE CITY OF MITCHELL, SOUTH DAKOTA, AT A MEETING HELD ON THE _____ DAY OF _____, _____.

FINANCE OFFICER BY: _____

DIRECTOR OF EQUALIZATION CERTIFICATE

THE UNDERSIGNED, COUNTY DIRECTOR OF EQUALIZATION/DEPUTY DIRECTOR OF EQUALIZATION OF DAVISON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT HE/SHE HAS RECEIVED A COPY OF THE FOREGOING PLAT. DATED THIS _____ DAY OF _____, _____.

DIRECTOR OF EQUALIZATION/DEPUTY DIRECTOR OF
EQUALIZATION, DAVISON COUNTY, S.D.

TREASURER CERTIFICATE

THE UNDERSIGNED, COUNTY TREASURER\DEPUTY TREASURER OF DAVISON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT ALL TAXES WHICH ARE LIENS UPON ANY LAND INCLUDED IN THE ABOVE PLAT, AS SHOWN BY THE RECORDS OF THIS OFFICE, HAVE BEEN PAID. DATED THIS _____ DAY OF _____, _____.

TREASURER/DEPUTY TREASURER DAVISON COUNTY, S.D.

REGISTER OF DEEDS CERTIFICATE

THE UNDERSIGNED, REGISTER OF DEEDS\DEPUTY REGISTER OF DEEDS, DAVISON COUNTY, SOUTH DAKOTA, HEREBY CERTIFIES THAT THE ORIGINAL PLAT WAS FILED FOR RECORD THIS _____ DAY OF _____, _____, _____ O'CLOCK ____ M., AND DULY RECORDED IN BOOK _____, PAGE _____.

REGISTER OF DEEDS/DEPUTY REGISTER OF DEEDS, DAVISON COUNTY, S.D.





1 Inch = 100 Feet

LEGEND

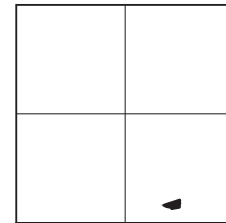
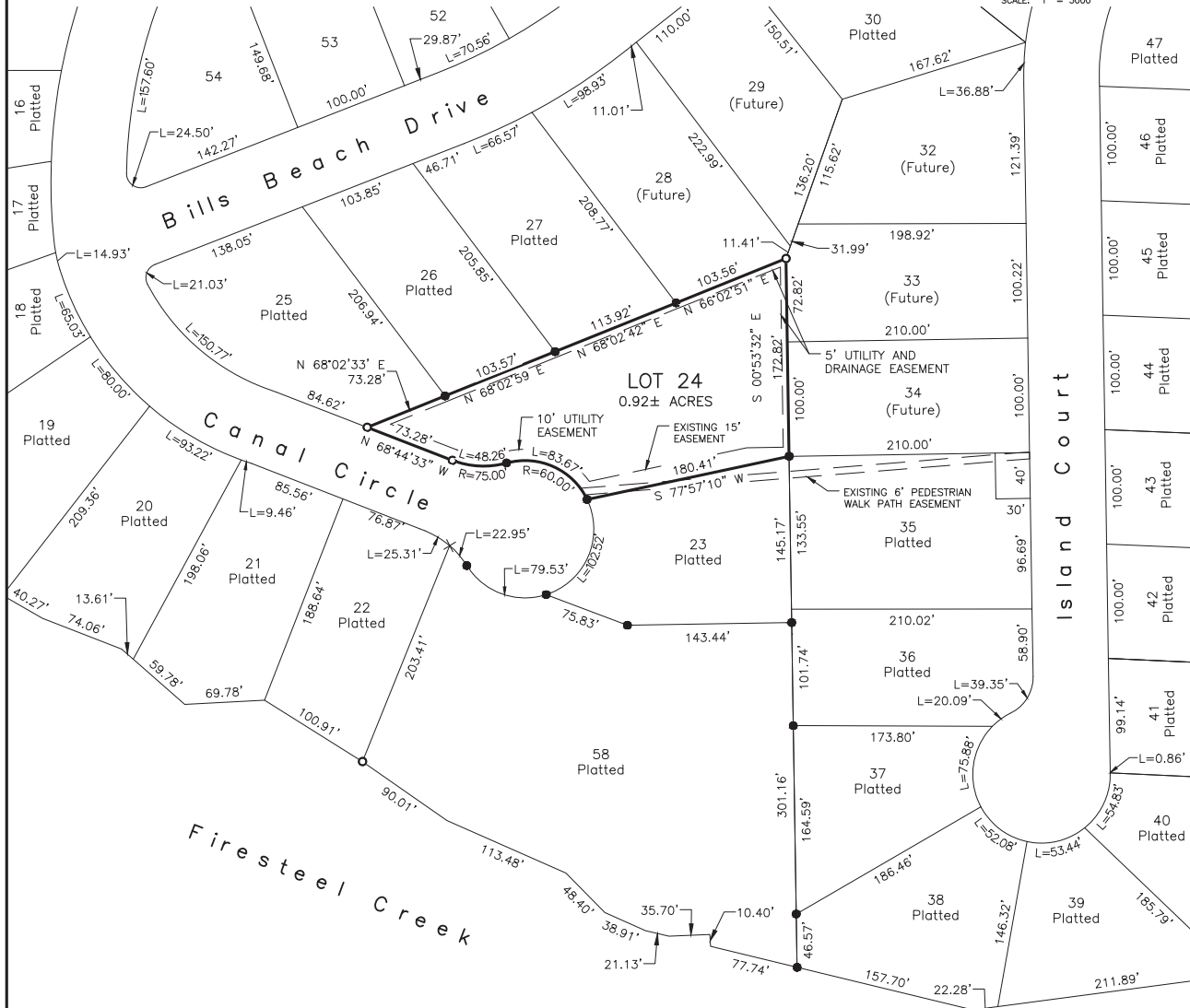
- = FOUND IRON MONUMENT
- = SET 5/8" X 18" REBAR WITH PLASTIC CAP NO. 13714
- 100' (P) = PLATTED BEARING OR DISTANCE
- 100' = MEASURED BEARING OR DISTANCE

PREPARED BY: JEREMY A. WOLBRINK, R.L.S.
2100 NORTH SANBORN BLVD. - P.O. BOX 398
MITCHELL, SOUTH DAKOTA 57301
PHONE: (605) 996-7761

COORDINATE SYSTEM IS SOUTH DAKOTA SOUTH ZONE,
STATE PLANE - NORTH AMERICAN
DATUM 1983 - GEOID 18
GRID BEARINGS AND GROUND DISTANCES ARE SHOWN.

NOTE:
THIS SURVEY WAS PERFORMED WITHOUT
THE BENEFIT OF A TITLE REPORT OR TITLE
COMMITMENT. EASEMENTS OF RECORD WERE
NOT RESEARCHED AND ARE NOT SHOWN
UNLESS OTHERWISE NOTED.

SEC. 31, T 104 N, R 60 W

LOCATION MAP
SCALE: 1" = 3000'

A PLAT OF LOT 24 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., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, Jeremy A. Wolbrink, the undersigned, do hereby certify that I am a Registered Land Surveyor in the State of South Dakota. At the request of Maui Farms Inc., a South Dakota corporation, as owner, and under its direction for purposes indicated therein, I did on or prior to August 30, 2024, survey those parcels of land described as follows: LOT 24 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., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

In my professional opinion and to the best of my knowledge, information and belief, the within and foregoing plat is true and correct.

Dated this _____ day of September, 2024.

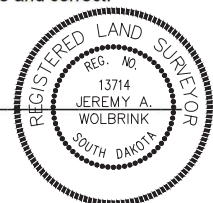
Registered Land Surveyor #SD13714

SPN

& Associates

Engineers, Planners and Surveyors

2100 North Sanborn Blvd. - P.O. Box 398 Mitchell, South Dakota 57301
Phone: (605) 996-7761 Fax: (605) 996-0015



A PLAT OF LOT 24 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., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE, DEDICATION AND AGREEMENT OF PROTECTION OF WATER

KNOW ALL MEN BY THESE PRESENTS that I, the undersigned, hereby certify that Maui Farms Inc., a South Dakota corporation, is the absolute and unqualified owner of all of the land included in the within and foregoing plat; the plat is of a parcel of ground located in 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., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA; that the plat has been made at the request of Maui Farms Inc., a South Dakota corporation, and under its direction for the purposes indicated therein; which said property as so surveyed and platted shall hereafter be known as LOT 24 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., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as shown by this plat; and Maui Farms Inc., a South Dakota corporation, hereby dedicates to the public, for public use forever as such, the streets, alleys and easements, if any, as shown and marked on said plat; and that development of the land included within the boundaries of said Lot 24 shall conform to all existing applicable zoning, subdivision, erosion, sediment control and drainage regulations and ordinances; further that there now exists Canal Circle. Pursuant to SDCL 11-3-8.1 and 11-3-8.2 the developer of the property described within this plat shall be responsible for protecting any waters of the state located adjacent to or within such platted area from pollution from sewage from such subdivision and shall, in prosecution of such protections conform to and follow all regulations of the South Dakota Department of Agriculture and Natural Resources relating to the same. Additionally, the developer of the property described within this plat shall be liable for any pollution that occurs from failure to execute such protections or follow such regulations, exception being those lots in subdivisions that show documentation that wastewater drainage shall be connected to a municipal system.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2024.

Charles J. Mauszycki, Jr., Vice President of Maui Farms Inc.,
a South Dakota corporation

CORPORATION ACKNOWLEDGMENT

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF DAVISON)

On this, the _____ day of _____, 2024, before me, _____, the undersigned officer, personally appeared Charles J. Mauszycki, Jr., of Maui Farms Inc., a South Dakota corporation, and that he, as such Vice President, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as Vice President.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public, South Dakota
My Commission Expires: _____

RESOLUTION OF CITY PLANNING COMMISSION

WHEREAS, the plat of LOT 24 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., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, prepared by Jeremy A. Wolbrink, duly licensed Land Surveyor in and for the State of South Dakota, heretofore filed in the office of the City Finance Officer of Mitchell, South Dakota, has been submitted to the City Planning Commission of the said City of Mitchell, South Dakota; and

WHEREAS, the City Planning Commission, in regular meeting assembled, had duly considered said plat and finds as a fact that said plat is in conformity and does not conflict with the Master Plan for the City of Mitchell, South Dakota, heretofore adopted by this Commission;

NOW THEREFORE, be it resolved by the City Planning Commission of Mitchell, South Dakota, that the plat of LOT 24 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., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, prepared by Jeremy A. Wolbrink, a Land Surveyor, be and the same is hereby approved and its adoption by the City Council of the City of Mitchell, South Dakota, is hereby recommended.

The undersigned does hereby certify that the foregoing resolution was passed by the City Planning Commission of Mitchell, South Dakota, at a meeting thereof held on the _____ day of _____, 2024.

Chairperson/Vice-Chairperson of the City of Mitchell
Planning Commission



SPN

& Associates
Engineers, Planners and Surveyors
2100 North Sanborn Blvd. - P.O. Box 398 Mitchell, South Dakota 57301
Phone: (605) 996-7761 Fax: (605) 996-0015

RESOLUTION OF CITY COUNCIL

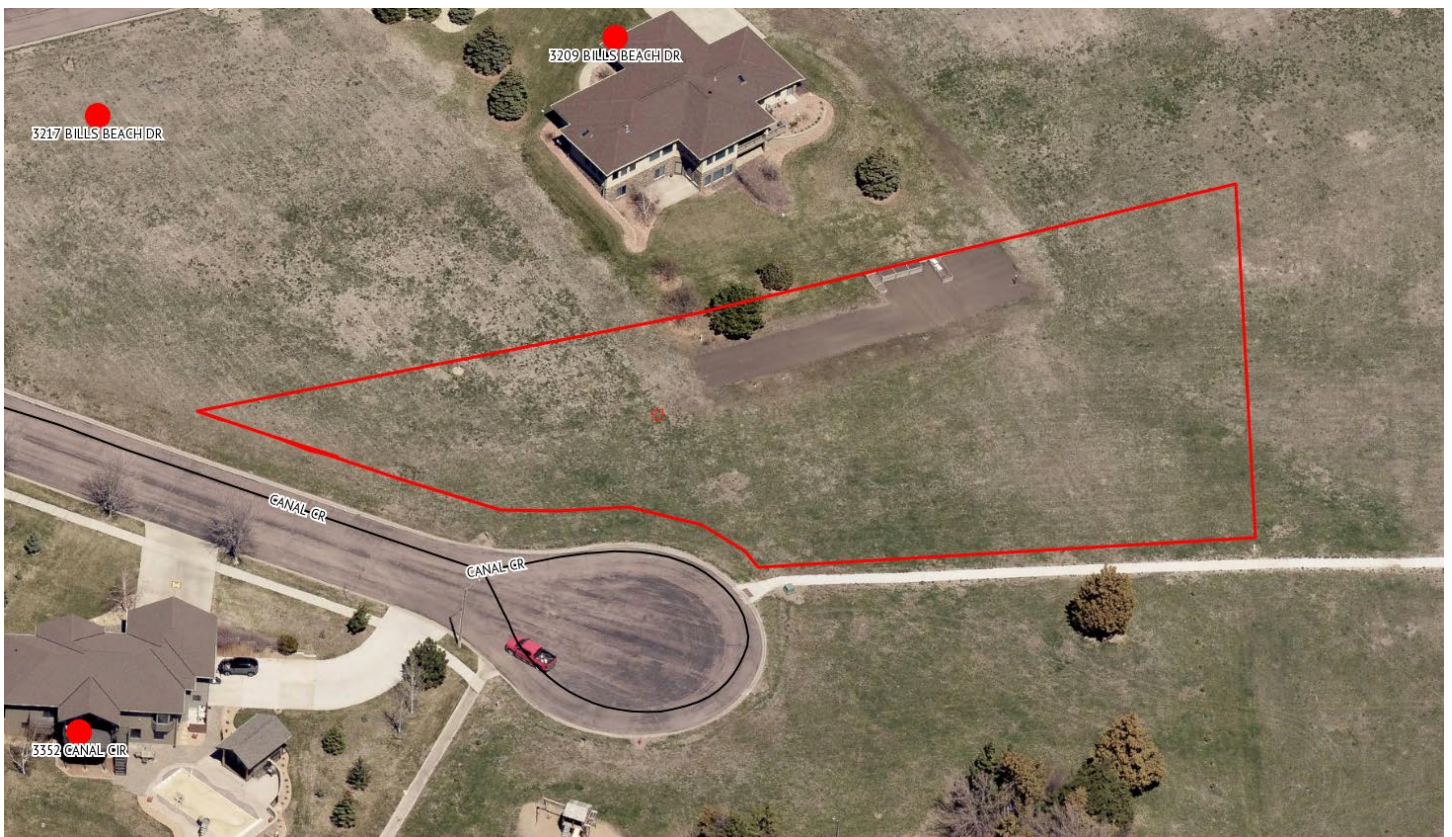
Finance Officer/Deputy Finance Officer of the City of Mitchell

Date _____

Date _____

Deputy





Tax Incremental District

Number 38

City of Mitchell, SD

Economic Development Project Plan

In conjunction with

Palace Brewing LLC, Developer

