



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 to be 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