



Planning Commission 9-23-24 Agenda
City Council Chambers, City Hall, 612 N. Main Street
September 23, 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: September 9, 2024**
- 6. Schedule Next Meeting: October 15, 2024**
- 7. Variance Permit: Paul Groenweg**

Paul Groeneweg has applied for a variance permit for maximum height of 3 stories vs 2 ½ stories to build 3 story 6-plexes; located in the 1800 block of E 1st Ave, legally described as Lots 1, 2 and 3, Block 1 of the Woods First Addition, a subdivision of the East ½ of the SW ¼ of Section 23, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. The said real property is zoned NS Neighborhood Shopping District.
- 8. Other Business:**
- 9. 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.
- 10. 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 9-9-24
City Council Chambers, City Hall, 612 N. Main Street
September 9, 2024

1. Call to Order

Chairperson Genzlinger called the September 9, 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, Osterloo, Schmitz, Schreurs, Sonne.

Absent: Havlik.

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

3. Declaration Of Conflicts Of Interests

None.

4. Approve Agenda

Motion by Osterloo, seconded by Schmitz to approve the proposed agenda. All present voting aye; motion carried.

5. Approval of Previous Minutes: August 26, 2024

Motion by Jirsa, seconded by Sonne to approve the proposed minutes of the August 26, 2024 Planning Commission Meeting. All present voting aye; motion carried.

6. Schedule Next Meeting: September 23, 2024

Motion by Schmitz, seconded by Osterloo to set the date for the next Planning Commission Meeting for September 23, 2024. All present voting aye; motion carried.

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.

Jenniges noted that a notice was sent out to the neighbors, it was published in the official

newspaper and sign posted. There were three responses in favor. The applicant was not present to answer questions.

Fire Marshall Sandoval stated he has completed an inspection on the house. At the current time, she intends to have the kids upstairs but intends to use the basement in the future. The conditions he looks for are smoke detectors, two means of egress and a fire extinguisher. At the current time there is no second means of egress in the basement but noted that she said she is in the process of getting an egress window put in. There will have to be follow up to make sure she does not have any kids in the basement without the egress window.

Jenniges noted the applicant has received some funding from the Chamber, and he assumed some of the money was going towards the installation of the egress window.

Genzlinger questioned how can the city pull the permit if she has kids in the basement?

Johnson stated that if she isn't complying with the conditions, the permit could be pulled.

Sandoval stated this is a life safety issue, and he can shut down the daycare immediately if she has kids in the basement without egress. He noted the upstairs complies with his inspection so she can have the kids up there but not in the basement until the window is installed.

Osterloo stated he has concerns with a daycare in a basement with just an egress window as a secondary exit.

Motion by Schmitz, seconded by Osterloo 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. 5 present voting aye, 1 voting nay; motion carried.

8. Rezone Hearing and Recommendation: North Main Development LLC

North Main Development LLC is requesting the following 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 (110 E 54th Ave).

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. The applicant was present to answer questions.

Matt Doerr of North Main Development LLC stated they reached out to more neighbors than was sent out by the city. They do not have any immediate plans for the land or any concepts. They would like to rezone because TWC gives more options.

Genzlinger questioned, why not wait till they have a plan for the property before rezoning it.

The applicant answered rezoning makes the land more appealing to sell and more conducive for conversations.

Chuck Muckeski Sr believes this is an excellent idea for the land. He had owned it for 20 to 25 years prior. Feels this is an ideal place for TWC

John Hegg stated he lives about a quarter mile down the road and would love to see a convenience store in this location. He is pro business and doesn't want to hamper anyone's plans, but he does have some concerns about what TWC zoning opens that land up to. The applicant replied that it is a small piece of property that the big intrusive uses within TWC wouldn't fit on the 1.5ish acres. Also, he wants to be a good neighbor. He also stated TWC is already across the road, so it's not spot zoning and that someone could already be permitted for such uses.

Osterloo stated he was originally opposed to the rezoning but, the fact that there is already TWC across the street and someone could build right away without rezoning he has changed his mind, Genzlinger agreed.

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

9. Rezone Hearing and Recommendation: Horsemens' Sports Inc

Horsemens' Sports Inc is requesting the following 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.

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. The applicant was not present to answer questions.

Jenniges gave an overview of the area and reminded them of the plat that was just approved at the last meeting. This is the second of three phases of the process to combine the newly platted land with the existing parcels. There can not be two different types of zoning on one parcel.

Motion by Sonne, seconded by Jirsa to recommend approval of the rezone. All present voting aye; motion carried.

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.

Jenniges noted this is outside the ETJ but within 3 miles of city limits. County Planning Commission has already approved the plat and the variance needed for being under 25 acres. The city just has jurisdiction on the plat, not the variance. The applicant was not present to answer questions.

Motion by Jirsa, seconded by Schmitz to approve the plat. All present voting aye; motion carried.

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.

Jenniges noted this follows the master plan and meets the zoning regulations for Urban Development. The applicant was present to answer questions.

Motion by Jirsa, seconded by Schmitz to approve the plat. All present voting aye; motion carried.

12. Hearing and Action on Establishing the Boundaries and Approval of the Project Plan for Tax Increment Financing District #38-Postpone to future date

Motion by Schmitz, seconded by Osterloo to postpone Hearing and Action on TIF #38. All present voting aye; motion carried.

13. Other Business:

None.

14. Public Input:

None.

15. Adjourn

Chairperson Genzlinger adjourned the meeting at 12:30 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: Maximum height of 3 stories vs 2 ½ stories
- Description of Hardship: Would like to build slab on grade instead of a garden view for the first floor of the 3 story apartment building.

☐ **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, 2 and 3, Block 1 of the Woods First Addition, a subdivision of the East ½ of the SW ¼ of Section 23, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota.

Property Address: 1800 Block of E 1st Ave

Dated this 4th of September, 2024.

Paul Groeneweg
APPLICANT

Paul Groeneweg
OWNER





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Mitchell Apartments

3D Views

Project Number	Project Number
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Date	Issue Date
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6/4/2024 4:32:44 PM

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 Paul Groeneweg has applied for a variance permit for maximum height of 3 stories vs 2 ½ stories; located in the 1800 block of E 1st Ave, legally described as Lots 1, 2 and 3, Block 1 of the Woods First Addition, a subdivision of the East ½ of the SW ¼ of Section 23, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. The said real property is zoned NS Neighborhood Shopping District.

YOU ARE FURTHER NOTIFIED, that public hearings will be held by the City Planning Commission on Monday, September 23, 2024, 12:00 P.M. (Noon) and the Board of Adjustment on Monday, October 7, 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 5th day of September, 2024.

Michelle Bathke

FINANCE OFFICER

Publish once: 11th day of Sept, 2024

Approximate Cost:

Paul Groeneweg
125 Caleb Ct
Parker, SD 57053

Flresteel Links LLC
2202 E 1st Ave
Mitchell, SD 57301

Josh & Jena Lawson
106 N Mattie St
Mitchell, SD 57301

Premier East Woods Mitchel &
AFLP East Woods Mitchell SDLLC
3120 Gateway Rd
Brookfield, WI 53045

GL Wild Oak LLC
2500 E 1st Ave
Mitchell, SD 57301

Mood Properties LLC
1203 Jo Gene Ct
Mitchell, SD 57301

Determan Family LLC
PO Box 193
Mitchell, SD 57301

Ione & James Klinger Revoc Trust
200 Christine St
Mitchell, SD 57301

Robert & Sandra Marler
201 Tiger St
Mitchell, SD 57301

Dava & Mathew Wermers
200 Tiger St
Mitchell, SD 57301

Scott & Tiffany Peper
201 S Mattie St
Mitchell, SD 57301

William & Wanda Nygard
Joint Revocable Living Trust
200 S Mattie St
Mitchell, SD 57301