



Planning Commission 10-15-24 Agenda
City Council Chambers, City Hall, 612 N. Main Street
October 15, 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 23, 2024**
- 6. Schedule Next Meeting: October 28, 2024**
- 7. 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.
- 8. Rezone Hearing & Recommendation: Hackberry Holdings LLC**

Hackberry Holdings LLC is requesting the following property legally described as; S ½ of the E ½ of Square 7 (Lots 10-12, Square 7) Weaver's Squares Addition, City of Mitchell, Davison County, South Dakota; be changed from R3 Medium Density Residential District to HB Highway Oriented Business District AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME. (1005 S Lawler St)
- 9. Plan Approval: Mega Wash**

601 E Spruce St, zoned Highway Business
- 10. Other Business:**
- 11. 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.
- 12. 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 9-23-24
City Council Chambers, City Hall, 612 N. Main Street
September 23, 2024

1. Call to Order

Chairperson Genzlinger called the September 23, 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, Sonne.

Absent: Schreurs.

Staff Present: Dammann, Mayor Hanson, Jenniges.

3. Declaration Of Conflicts Of Interests

None.

4. Approve Agenda

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

5. Approval of Previous Minutes: September 9, 2024

Motion by Osterloo, seconded by Schmitz to approve the proposed minutes of the September 9, 2024 Planning Commission Meeting. All present voting aye; motion carried.

6. Schedule Next Meeting: October 15, 2024

Motion by Sonne, seconded by Osterloo to set the date for the next Planning Commission Meeting for October 15, 2024. All present voting aye; motion carried.

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.

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 that did not make the packet,

with one requesting a fence and trees and one opposing that did not make the packet. All were handed out at the meeting. The applicant was not present to answer questions.

Jenniges explained that the ordinance currently has height restrictions by stories or by feet. In NS it is 2 1/2 stories but that is an arbitrary number because stories could be 8', 9' or other.

Because stories are defined, the applicant has to abide by that form of measurement instead of overall height. The applicant does not want to build a 6-plex with a garden view, he would like to build all above grade. The apartment building to the west is a 2-story building but looks taller because it is 60' wide, so the peak of the roof is much higher so it's often thought of a 3-story building but it is only a 2-story building.

Sonne questioned the zoning around these parcels and, height restrictions, which was answered it is R4 except the golf course. R4 allows for 6 stories or 65'. That makes neighborhood shopping more restrictive than what the neighboring zoning is. If it were rezoned to R4, they are permitted to have up to 24 units on a parcel. Over 24 units would require a CUP.

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

8. Other Business:

Jenniges stated there will be a Zoning Ordinance Review Public Input session on Wednesday, October 16, 2024 @ 2:00 P.M. in Council Chambers. Staff will consider discussions from this input session and begin the process of updating the ordinance. Next, there would be some smaller group meetings of staff, a Planning Commission member or two and a Council member or two to be able to bring proposals for changes to the Planning Commission for discussion over a period of time before starting the formal process of adopting and amending the zoning ordinance.

9. Public Input:

None.

10. Adjourn

Chairperson Genzlinger adjourned the meeting at 12:14 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: [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:

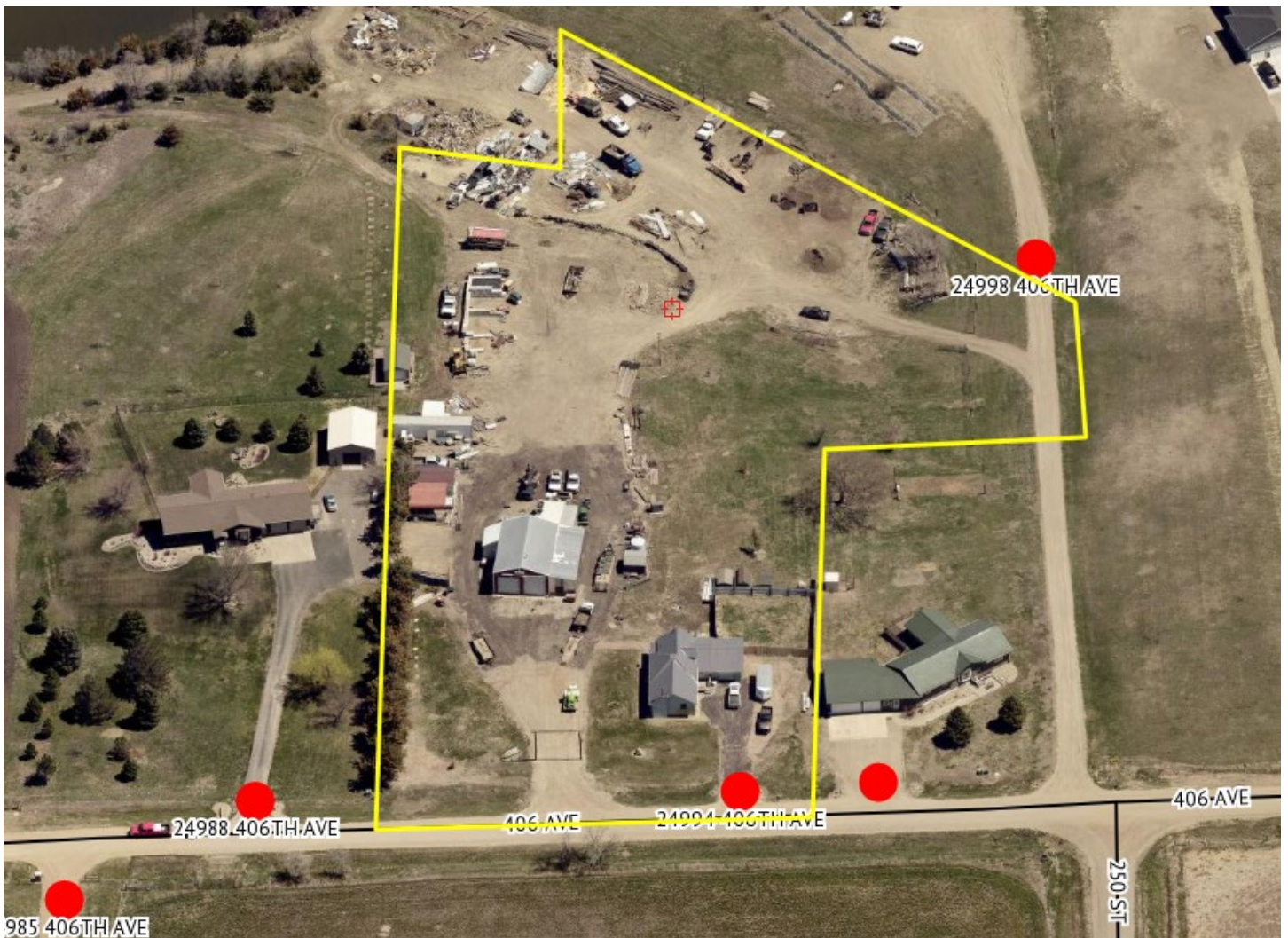
Legal Description: Lot 3D-1 and Lot 3D-2 of D.R. Kiner's First Addition in the SW ¼ of Section 31, T 104 N, R 60 W of the 5th P.M., Davison County, South Dakota

Property Address: 24994 406th Ave

Dated this 30th of July, 2024.


APPLICANT

Joshua Frost
OWNER





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



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 $\frac{1}{4}$ 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.

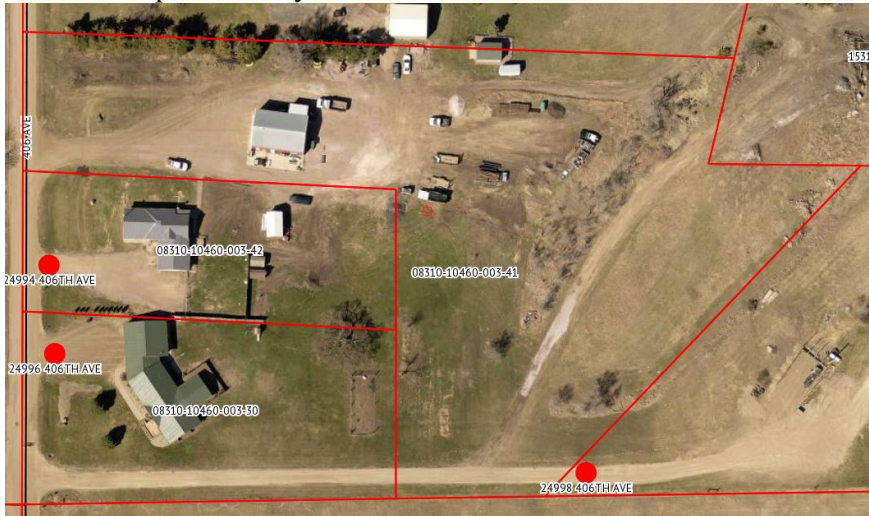
If you have any questions regarding this matter, you can reach the Planning and Zoning Office at 605-995-8433, email mark.jenniges@cityofmitchellsd.gov or stop in the office located at City Hall, 612 N Main St.

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





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)

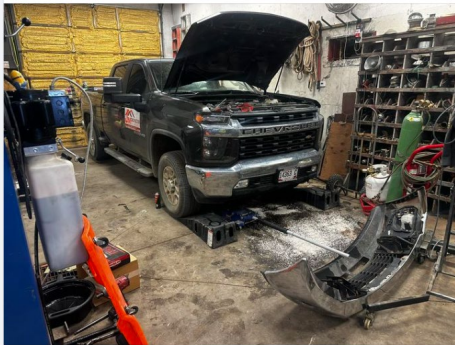
Picture #2



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

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 Tuesday, October 15, 2024, 12:00 P.M. (Noon) and the Board of Adjustment on Monday, October 21, 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 26th day of September, 2024.

Michelle Bathke

FINANCE OFFICER

Publish once: 2nd day of October, 2024
Approximate Cost:

Josh Frost
24994 406th Ave
Mitchell, SD 57301

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

Bradley Clark
Dahjrick Clark
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

August 14, 2024

TO WHOM IT MAY CONCERN:

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 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 Dennis + Jean Kiner
OWNER

24998 406th Ave
ADDRESS

 APPROVE

X DISAPPROVE

COMMENTS:

See attached

We didn't move next to a junk yard, a junk yard moved in next to us.

This is what we have to look at sitting out on our deck. The view is not pleasant, and it gets worse every day.

I don't even want to think about what it is doing to our property value.

There are a lot of junk cars sitting there now, and if this goes through. It will only get worse.



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 R3 District to HB 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.

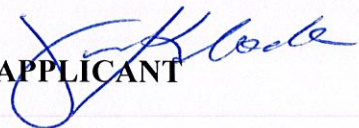
☐ **Plat Application** *\$100 application fee due with application*

This Application is for the following described real property:

Legal Description: S ½ of the E ½ of Square 7 (Lots 10-12, Square 7) Weaver's Squares Addition, City of Mitchell, Davison County, South Dakota.

Property Address: 1005 S Lawler St

Dated this 18th of September, 2024.


APPLICANT

Hackberry Holdings LLC
OWNER



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 Tuesday October 15, 2024 at 12:00 p.m., the City Council will consider 1st Reading of the Ordinance on Monday, October 21, 2024 at 6:00 p.m. and 2nd Reading and Adoption on Monday, November 4, 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; S ½ of the E ½ of Square 7 (Lots 10-12, Square 7) Weaver’s Squares Addition, City of Mitchell, Davison County, South Dakota; be changed from R3 Medium Density Residential District to HB Highway Oriented Business 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; S ½ of the E ½ of Square 7 (Lots 10-12, Square 7) Weaver’s Squares Addition, City of Mitchell, Davison County, South Dakota; be changed from R3 Medium Density Residential District to HB Highway Oriented Business 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: October 21, 2024
SECOND READING: November 4, 2024
ADOPTION: November 4, 2024

Published three times: October 2, 9 and 23, 2024

Approximate Costs:

Hackberry Holdings LLC
177 S Harmon Dr
Mitchell, SD 57301

Farmers State Bank
PO Box A
Parkston, SD 57366

Terry & Lori Novak Living Trust
46414 Hwy 38
Hartford, SD 57033

C & T Land LLC
PO Box 698
Mitchell, SD 57301

Daniel & Renee Niehus
1216 E 11th Ave
Mitchell, SD 57301

Mitchell School District 17-2
821 N Capital St
Mitchell, SD 57301

Christopher Roeder
1100 S Main St
Mitchell, SD 57301

Larry Stunes Trust
1415 W 21st Ave
Mitchell, SD 57301

Ron & Delores Peterson
1961 E Havens Ave
Mitchell, SD 57301

Brian Klock
177 S Harmon Dr
Mitchell, SD 57301

October 2, 2024

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that Hackberry Holdings LLC is requesting the following property legally described as; S ½ of the E ½ of Square 7 (Lots 10-12, Square 7) Weaver's Squares Addition, City of Mitchell, Davison County, South Dakota; be changed from R3 Medium Density Residential District to HB Highway Oriented Business District AND THE OFFICIAL ZONING MAP BE CHANGED TO REFLECT THE SAME.

YOU ARE FURTHER NOTIFIED that the City Planning Commission will be conducting a hearing on this application on Tuesday, October 15, 2024 at 12:00 p.m., the City Council will consider 1st Reading of the Ordinance on Monday, October 21, 2024 at 6:00 p.m. and 2nd Reading and Adoption on Monday, November 4, 2024 at 6:00p.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.

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

FARNERS STATE BANK
OWNER

ADDRESS

X APPROVE

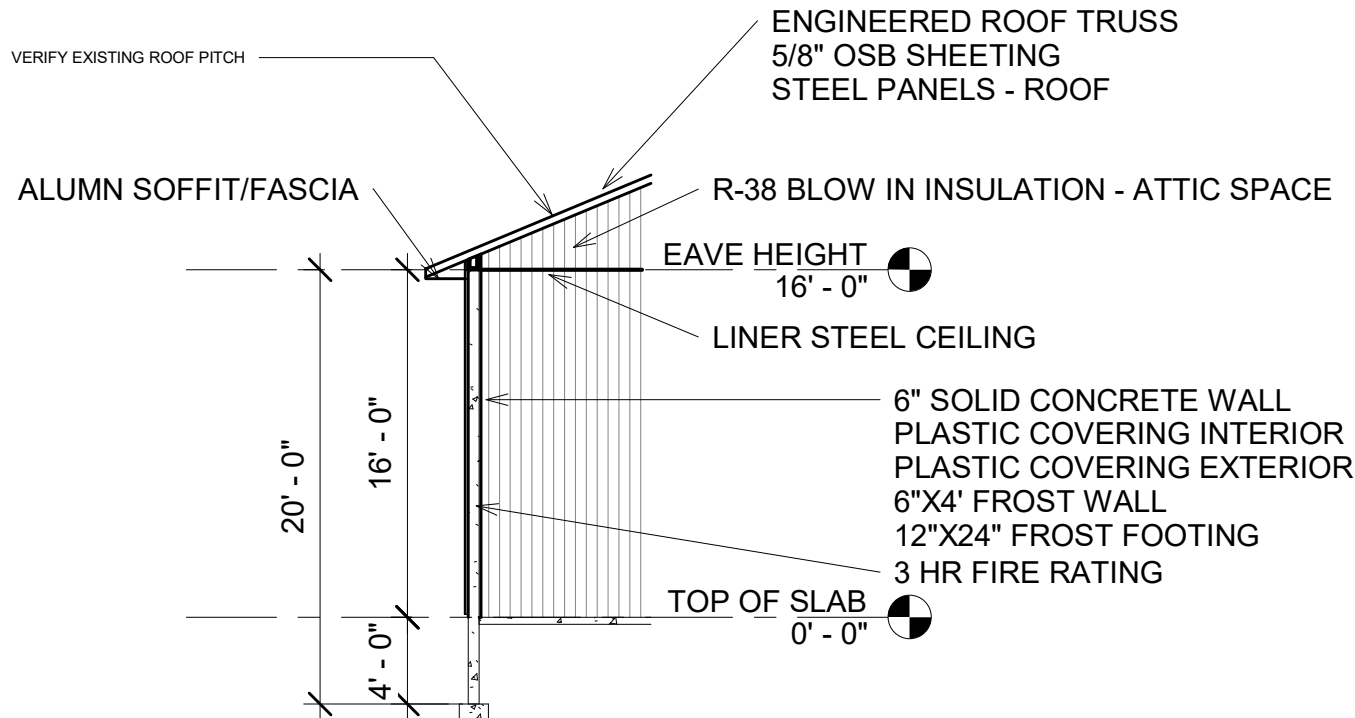
_____ DISAPPROVE

COMMENTS:

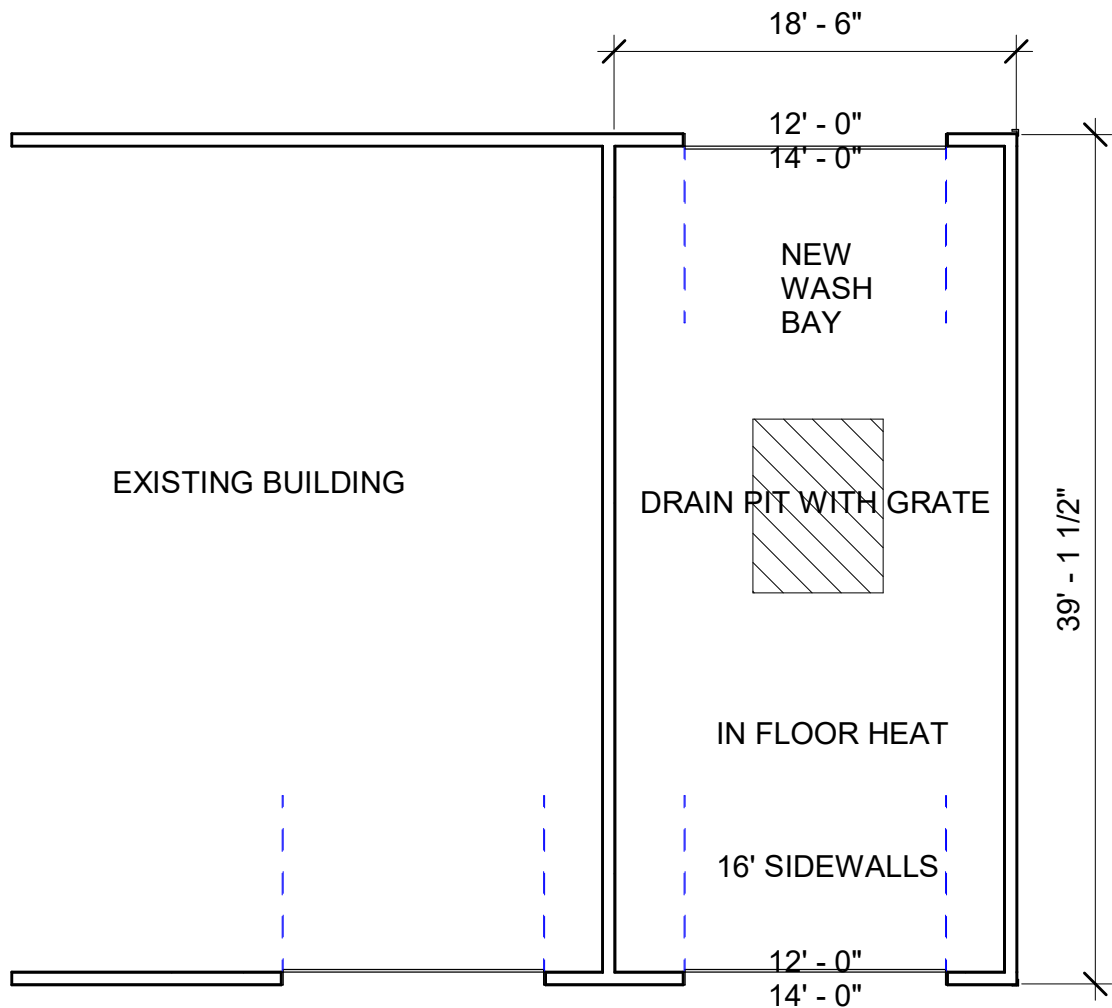




2 FRONT.
1" = 10'-0"



3 Section 2
1/8" = 1'-0"



1 TOP OF SLAB
1/8" = 1'-0"



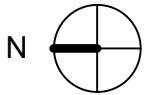
MEGA WASH ADDITION
103-24
PRO CONTRACTING

No.	Description	Date

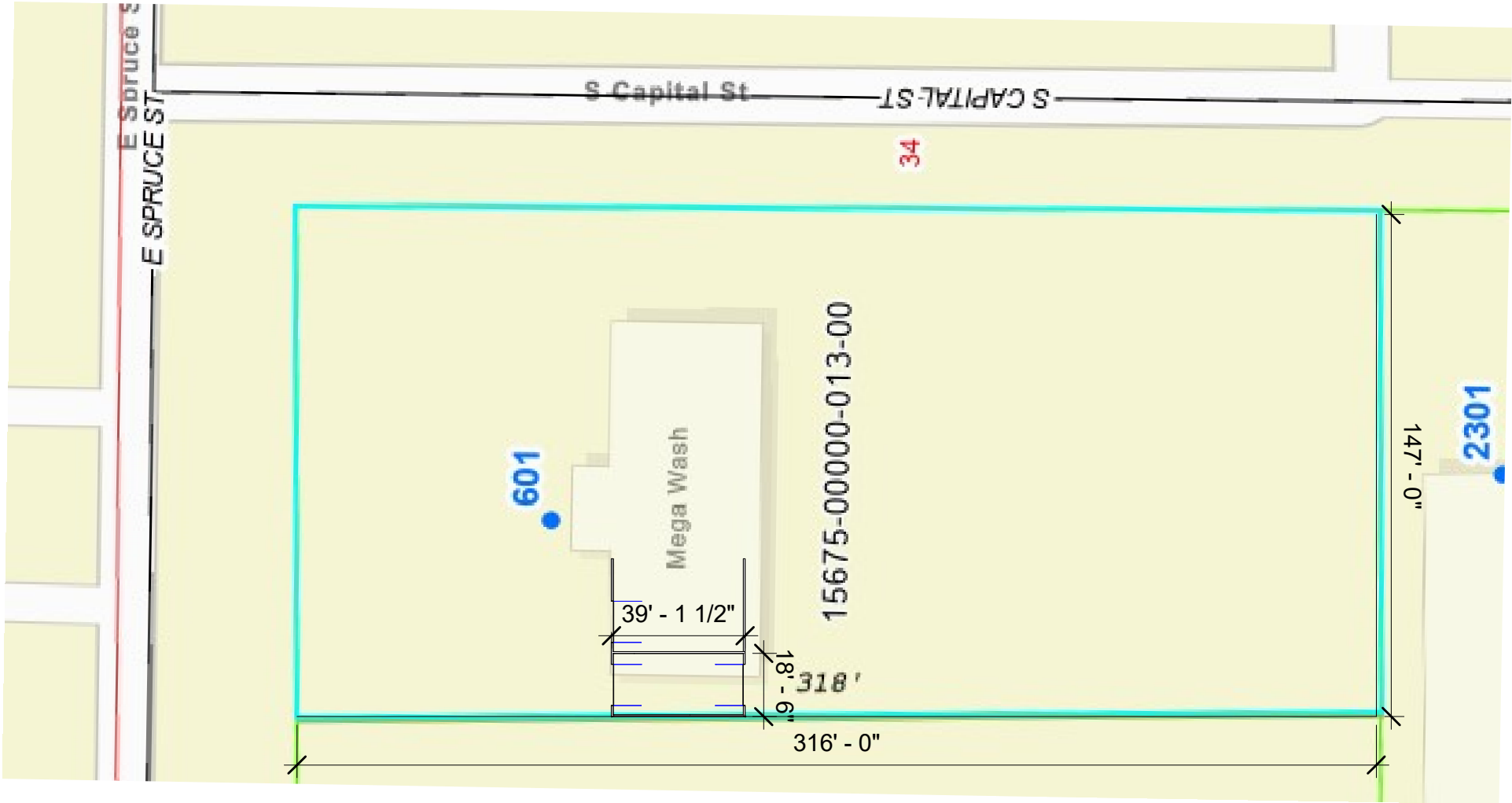
LAYOUT		
Date	9/19/24	A101
Drawn by	SM	
Owner	DATE	Scale As indicated NTS
Approval		

PARCEL_ID 15675-00000-013-00
SECTION 34
TOWNSHIP 103 N
RANGE 60 W
TOWNSHIP NAME MITCHELL
MAILING ADDRESS 800 E KAY AVE
MAILING CITY MITCHELL
MAILING STATE SD
MAILING ZIP 57301-0000
OWNER NAME MEGA WASH INC
LEGAL N85' OF E150' LT 13 & E150' LT 14 STARLITE ESTATES-NW
DEEDED ACRE 1.09
FIRE DISTRICT MITCHELL FIRE
SCHOOL DISTRICT MITCHELL 17-2
SITE ADDRESS 601 E SPRUCE ST

EXISTING BUILDING APPROX - 4,000 SF
ADDITION APPROX - 740 SF



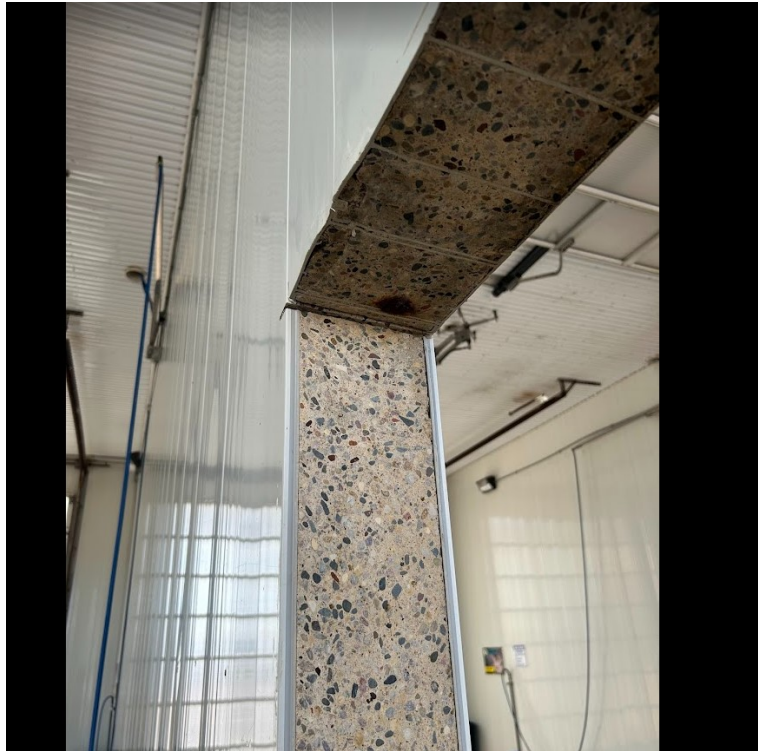
1" = 40'-0"
SITE 1



MEGA WASH ADDITION
103-24
PRO CONTRACTING

No.	Description	Date

SITE		
Date	9/19/24	A102
Drawn by	SM	
Owner Approval	DATE	Scale 1" = 40'-0" NTS

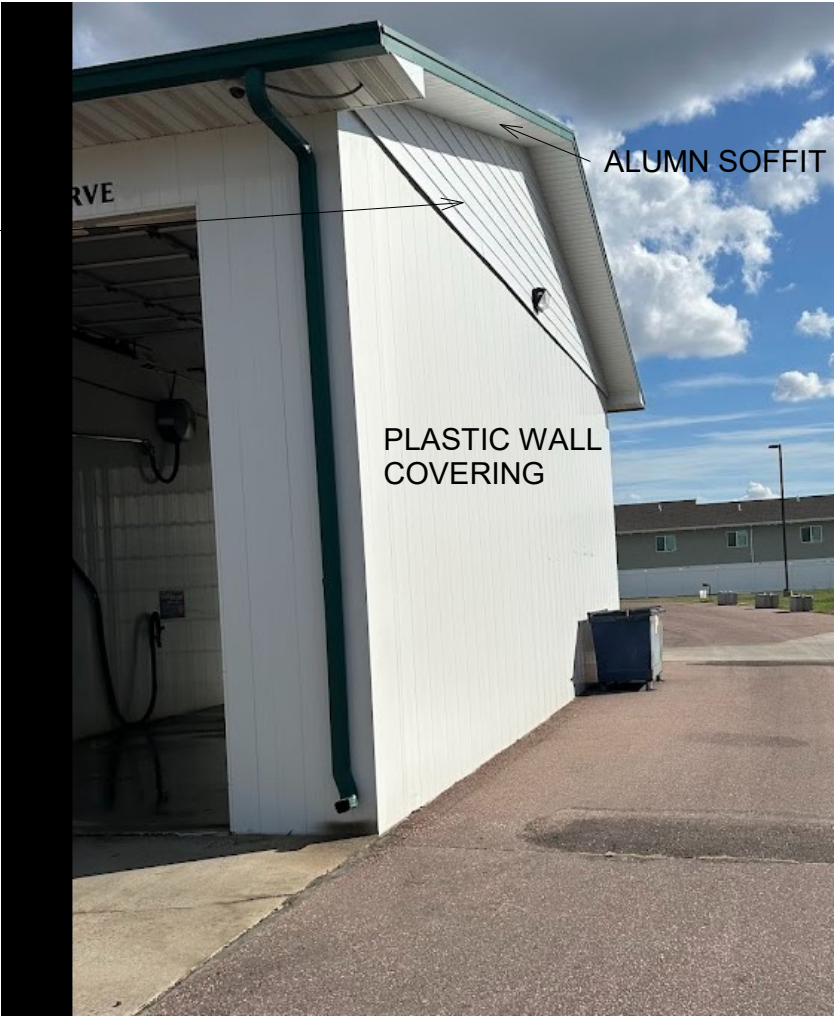


EXISTING WALL BUILD
6" CONCRETE
PLASTIC COVERING INTERIOR / EXTERIOR



PLASTIC LINER

FLOOR PIT DRAIN W/GRATE



ALUMN SOFFIT

PLASTIC WALL
COVERING

OSB OVER ROOF
TRUSS / LAP SIDING

LINER STEEL CEILING



JS

DRAFTING
& DESIGN

(605)-214-0862

SCOTT@JSDRAFTINGANDDESIGN.COM

www.jsdraftinganddesign.com

MEGA WASH ADDITION

103-24

PRO CONTRACTING

No.	Description	Date

DETAILS		
Date	9/19/24	A103
Drawn by	SCOTT MOFFATT	
Owner	DATE	Scale
Approval		
		NTS