Planning Commission 10-15-24
City Council Chambers, City Hall, 612 N. Main Street
October 15, 2024

1. Call to Order

Vice-Chairperson Osterloo called the October 15, 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, Havlik (telephonically), Jirsa (telephonically), Osterloo, Sonne.
Absent: Genzlinger, Schmitz, Schreurs.
Staff Present: Dammann, Mayor Hanson, Hegg, Jenniges, J Johnson, Sandoval, Schroeder.

3. Declaration Of Conflicts Of Interests

None.

4. Approve Agenda

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

5. Approval of Previous Minutes: September 23, 2024

Motion by Sonne, seconded by Jirsa to approve the proposed minutes of the September 23, 2024 Planning Commission Meeting. Roll call vote: Genzlinger – absent, Havlik – aye, Jirsa – aye, Osterloo – aye, Schmitz – absent, Schreurs – absent, Sonne – aye. 4 aye, 0 nay, 3 absent; motion carried.

6. Schedule Next Meeting: October 28, 2024

Motion by Sonne, seconded by Jirsa to set the date for the next Planning Commission Meeting for October 28, 2024. Roll call vote: Genzlinger – absent, Havlik – aye, Jirsa – aye, Osterloo – aye, Schmitz – absent, Schreurs – absent, Sonne – aye. 4 aye, 0 nay, 3 absent; motion carried.

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.

Jenniges gave a history of the previous meetings. City Planning Commission recommended approval at their 8-26-24 meeting with a condition it be reviewed at their first October meeting. There were also the following conditions for outside storage; 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. The following was the conditions they put on for the automotive sales, repair, parts and detailing; 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. Board of adjustment approved the CUP at their 9-3-24 meeting with the condition it be reviewed at their second October meeting with the same conditions. The previous minutes were included in the packet for review.

Jenniges noted that a notice was sent out to the neighbors, it was published in the official newspaper and sign posted. There was one response returned from the first meeting opposed, and two responses opposed for this meeting that did not make the packet but were handed out. The applicant was present to answer questions and presented a GIS map of his land.

Osterloo quested what has been done since the last meeting. Frost answered that they have dug holes for fence posts and have the map for where the fences are going to go. Osterloo questioned what about one of the letter stating more stuff had been brought in to which was answer that was from an insurance auto auction and that has already been removed.

Derek Davis said that any vehicles in the impound lot usually leave the next day or two days later. They have hauled out 6 to 8 vehicles. They destroyed the materials for the quanzit they were going to build because they didn't feel like they had enough time to do that and cost them a few thousand dollars. He also noted some locations where holes have been dug and where fences will be placed. He believes everyone is against them and want a plan from the city for what they want to be completed.

Sonne explained they were supposed to come to this meeting with a written plan for the board to approve or deny. The board recommended approval with the intent of a future plan being brought to the board, so they didn't have to cease and desist like one of the letters stated they felt should have happened.

Frost noted they talked about metal fencing like H&R Salvage but with the wind they could come loose and start banging and not know it's happening. He proposed using a fence netting like Krohmer Plumbing uses on their North Main location. It's a 95% visual blocking netting.

Denny Kiner gave a history of the land when they owned it. After his father died they took out 220 tons of iron from the property. His solution is to put up a 10' fence on the south and east side of the property. He understands they are trying to make a living but the land out there has changed into a residential neighborhood from what it was years ago when the closest neighbor was a quarter mile away. Kiner stated he likes the netting on the fence and would not be opposed to that or the business.

Jirsa stated what he was expecting to happen at this meeting was a written plan by the applicants for the applicants to follow moving forward. He understands it has taken a long time for this mesh to happen and will take time to clean up and he wants that written down so there is no confusion on timeline for when it will all be done.

Johnson gave some advice for what the board's options are. They could postpone and bring it back to Planning Commission with any conditions or send it to Board of Adjustment with or without conditions.

Motion by Sonne, seconded by Osterloo to recommend approval of the conditional use for automotive sales, repair, parts and detailing. Roll call vote: Genzlinger – absent, Havlik – aye, Jirsa – nay, Osterloo – aye, Schmitz – absent, Schreurs – absent, Sonne – aye. 3 aye, 1 nay, 3 absent; motion carried.

Motion by Jirsa, seconded by Sonne to recommend approval of the conditional use outside storage with the condition they present at Board of Adjustment a written plan 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 – absent, Havlik – nay, Jirsa – aye, Osterloo – aye, Schmitz – absent, Schreurs – absent, Sonne – aye. 3 aye, 1 nay, 3 absent; motion carried.

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.

Jenniges noted that a notice was sent out to the neighbors, it was published in the official newspaper and sign posted. There was one response returned in favor. The applicant was not present to answer questions.

Jenniges said the applicant would like to build another cold storage building but it would go across different zoning districts. The entire block has been rezoned multiple different times. He noted the applicant is trying to get rid of some of the semi's by building another shed.

Sonne agreed that they are trying to clean up the property with the proposal and it's not spot zoning.

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

9. Plan Approval: Mega Wash

Jenniges said the applicant would like to add another wash bay to the west side of the building. He showed the board the plan that was in the packet for their review. The applicant was not present to answer questions.

Motion by Jirsa, seconded by Sonne to approve the plan. Roll call vote: Genzlinger – absent, Havlik – aye, Jirsa – aye, Osterloo – aye, Schmitz – absent, Schreurs – absent, Sonne – aye.

4 aye, 0 nay, 3 absent; motion carried.

10. Other Business:

Jenniges reminded the board of the public input session for the zoning ordinance revision on October 16, 2024 @ 2:00 P.M. in council chambers.

11. Public Input:

None.

12. Adjourn

Vice-Chairperson Osterloo adjourned the meeting at 12:49 P.M.

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Jon Osterloo
Planning Commission Vice-Chairperson