



**Planning Commission 11-24-25 Agenda**  
City Council Chambers, City Hall, 612 N. Main Street  
November 24, 2025

- 1. 12:00 PM Call to Order**
- 2. Roll Call**
- 3. Declaration Of Conflicts Of Interests**
- 4. Approve Agenda**
- 5. Approval of Previous Minutes: November 10, 2025**
- 6. Schedule Next Meeting: December 8, 2025**
- 7. Conditional Use Permit: NIEW LLC**

NIEW LLC has applied for a conditional use permit for Alcohol Sales (on-sale); located at 1218 E 1<sup>st</sup> Ave, legally described as Lots 11 & 12, Block 13, Gleeson's Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned NS Neighborhood Shopping District.
- 8. Plan Approval: Porter Distributing Company**

212 S Langdon St, zoned Central Business District
- 9. Other Business:**
- 10. 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.*
- 11. 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 11-10-25  
City Council Chambers, City Hall, 612 N. Main Street  
November 10, 2025

### **1. Call to Order**

Chairperson Genzlinger called the November 10, 2025 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: Bathke, Genzlinger, Gunkel, Havlik, Osterloo, Schmitz, Schreurs, Sonne.

Absent:

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

### **3. Declaration Of Conflicts Of Interests**

Sonne item #10

Schreurs item #9.

### **4. Approve Agenda**

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

### **5. Approval of Previous Minutes: October 27, 2025**

Motion by Schmitz, seconded by Osterloo to approve the proposed minutes of the October 27, 2025 Planning Commission Meeting. All present voting aye; motion carried.

### **6. Schedule Next Meeting: November 24, 2025**

Motion by Sonne, seconded by Havlik to set the date for the next Planning Commission Meeting for November 24, 2025. All present voting aye; motion carried.

### **7. Variance Permit: Habitat for Humanity**

Habitat for Humanity has applied for a Variance Permit for east side yard setback of 0' vs 3' on Lot 8, Block 13; west side yard setback of 0' vs 3' on Lot 9, Block 13 to build a twin home across property lines. This is located at 1204 & 1208 E 1<sup>st</sup> Ave, legally described as the Lot 8 & 9, Block 13, Gleeson's Addition, City of Mitchell, Davison County, South Dakota. The 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 was one response in favor of two different addresses. The applicant was present to answer questions.

Jenniges stated the applicant would like to build a twin home and sell each half, which means they will have a shared wall on the property line, which is why they are requesting the variance permit. If they were to plat the two existing lots into one, they would have to replat again at the time of selling each side of the duplex or sell off half of the new plat and then become a legal non-conforming lot.

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

### **8. Plat: Marc & Michelle Mebius & Mebius Holdings LLC**

Lots 1, 2 and 3, Mebius Addition, the NW 1/4 of Section 14, Township 103 North, Range 60 West of the 5th P.M., Davison County, South Dakota.

Jenniges gave an overview of the area using GIS. He explained that it is just outside the city limits but within the ETJ, so it is still the city's zoning jurisdiction. The applicant is platting this for future plans. There is an easement to get to lot 3 through lot 1. The County Planning Commission heard it at their last meeting and the County Commission will hear it on Nov 13. The applicants were not present to answer questions.

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

### **9. Plat: Servicemen's Memorial Cemetery Association**

Plat of Veterans Memorial Park Tract 1, a subdivision of the SE 1/4 of the WSE 1/4 of the SW 1/4 of Section 9, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota.

Jenniges gave an overview of the area using GIS. He stated this was postponed at a previous meeting. The applicants have agreed to the size and easements for this updated plat. This is still in the county but within the ETJ so it's the city's zoning jurisdiction. The County Planning Commission has approved the plat and the County Commission will hear it at their next meeting. Jenniges noted that the pdf within the packet does not have the Highway Road Authority signature block but the mylar does. The applicant was present to answer questions.

Dwight Stadler, secretary of the Servicemen's Memorial Cemetery Association, wished the USMC a happy 250th birthday. He also mentioned that Tuesday would be Veterans Day, and he thanked all veterans for their service. He said the plat was redone to their liking by adding a couple of feet to the width and length and also including the utility easement and that they now support the plat as presented.

Doctor Marty Christensen said this plat will aid in the process of getting the restroom built out there. They plan for construction in the spring and the additional footage will give enough room for maintenance.

Motion by Havlik, seconded by Schmitz to approve the plat with the addition of the Highway Road Authority signature block. All present voting aye with Schreurs abstaining; motion

carried.

### **10. Hearing & Action on Establishing the Boundaries and Approval of the Project Plan for Tax Increment Financing District #45**

Jenniges gave a GIS overview of the area for Legacy Shores LLC TIF #45. City staff did a review of the proposed TIF. This is for an event center and is classified as an economic development TIF. This will create 5 plus new jobs in the community as well as increase business to surrounding hotels, restaurants, florists, salons, and photographers. This project will create a venue for weddings, corporate meetings, fundraisers and similar functions. There will be an 8,620 sq ft of useable event space to include 300+ capacity in the main ballroom, a dedicated braid and groom suite, a designated commercial kitchen area, a conference room and landscaped gardens. The "but for" statement is on page 4 of the proposal. All land within the TIF has been annexed into the city limits. The TIF has an estimated annual economic impact of \$330,000. The existing land has an estimated base value by Davison County DOE of \$24,304. The active TIF's within the City of Mitchell are still under 10% of its current taxable value. It is actually under 2%. TIF eligible costs are \$250,000 for the City of Mitchell under administrative costs, which will be spent on infrastructure expenses and \$937,464 to the developer for discretionary costs and grants. The two total \$1,187,464, which is what the applicant is requesting. However, the projected increment created will be \$943,980.30. There will be no interest associated with this project and the length of the TIF shall not exceed 20 years. The applicant is also waiving their right to the discretionary tax abatement. The applicant will have to certify the costs to the City for reimbursements. Jenniges noted the table on page 13 was not updated and should be the same cost breakdown as on page 9. He noted the 2024 property tax rate/levy and stated the entities were notified of the TIF. A GIS view of the boundary is in the TIF document as well as a site plan. There will be no zoning changes since this was rezoned previously to a PUD and the SD DOR has submitted a preliminary classification of TIF #45 to be Economic Development. The applicant was present to answer any questions.

Steve Sibson stated he is not against the project, and he feels that it is a great project. He believes the TIF process has to be modified for all parties involved. He has sent a letter to the SD DOR stating he does not believe the TIF should be classified as Economic Development but has not heard back from them. The "but for" statement should be analyzed by a 3rd party because it is dealing with a public/private partnership. He believes the true value of the land is not correct, which will change the outcome of the increment.

Genzlinger asked Johnson if he had any concerns with the TIF as presented. Johnson stated the city did its internal review, and it meets the city's requirements as well as the states, and he has no legal concerns with the TIF.

Motion by Schmitz, seconded by Havlik, to set the boundaries for TIF District #45 to include the following:

Lot 3 of Singapore Slab Tract 1, a subdivision of the East 1/2 of the SE 1/4 of Section 32, T 104 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota;

The Sixty-six feet (66') of Irregular Tract Number 1 Parallel and Adjacent to the above described Lot 3 all in Section 32, T 104 N, R 60 W of the 5<sup>th</sup> P.M., City of Mitchell, Davison County, South Dakota;

All present voting aye with Sonne abstaining; motion carried.

Motion by Schmitz, seconded by Havlik to approve the project plan with the update on page 15 and recommend approval of TIF District #45. All present voting aye with Sonne abstaining; motion carried.

**11. Other Business:**

None.

**12. Public Input:**

Dwight Stadler believes the board should start with the Pledge of Allegiance like City Council does.

**13. Adjourn**

Chairperson Genzlinger adjourned the meeting at 12:32 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: Alcohol Sales (on-sale)

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

**This Application is for the following described real property:**


**Legal Description: Lots 11 & 12, Block 13, Gleeson's Addition, City of Mitchell, Davison County, South Dakota.**

Property Address: **1218 E 1<sup>st</sup> Ave**

**Dated** this 5th day of November , 2025.

NIEW LLC, a South Dakota limited liability company

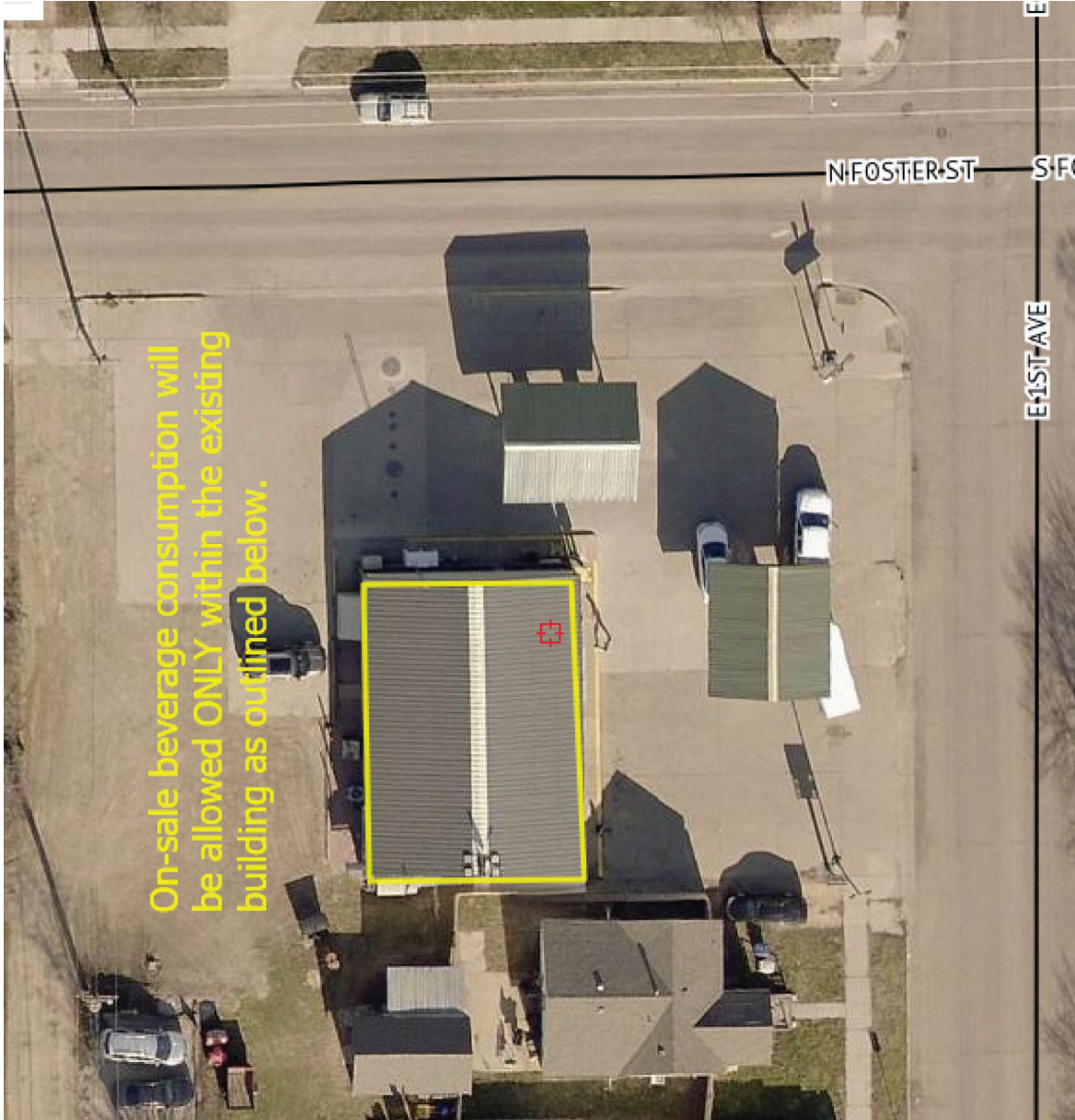
**APPLICANT**

 authorized member

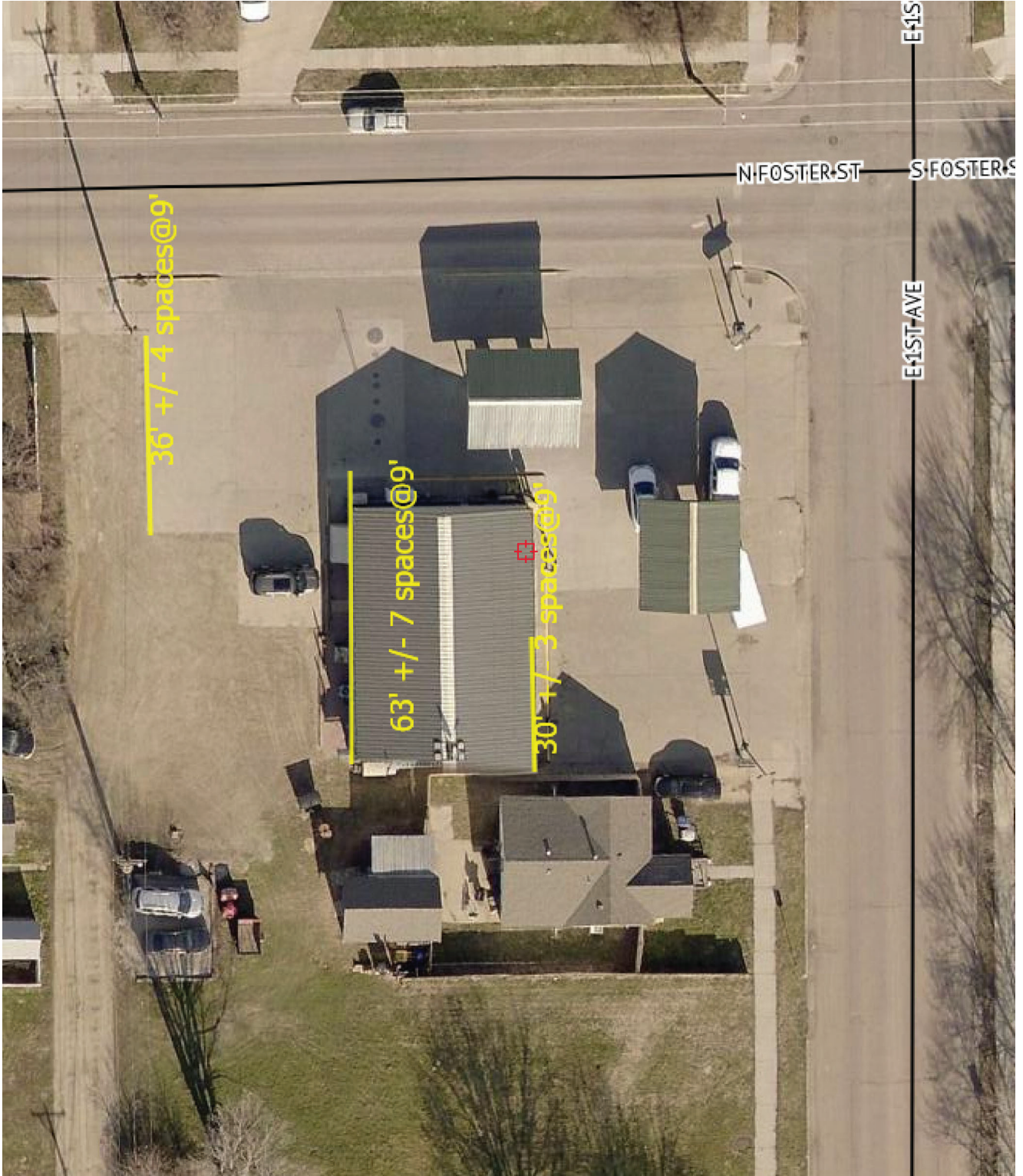
NIEW LLC

**OWNER**





On-sale beverage consumption will be allowed ONLY within the existing building as outlined below.





Walk In Cooler



Door



Bathroom

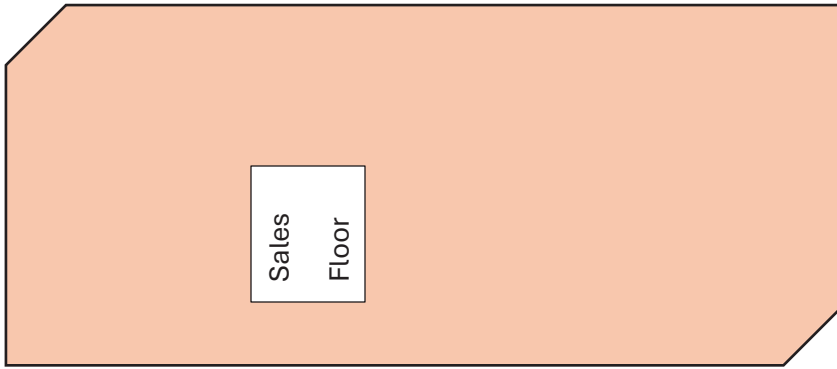
**NOTE: All improvements to effectuate on-sale malt beverage/wine will be within the current building footprint.**



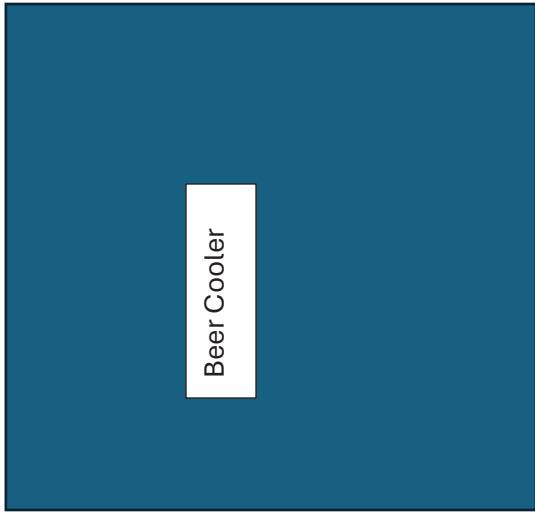
Stairs



sink



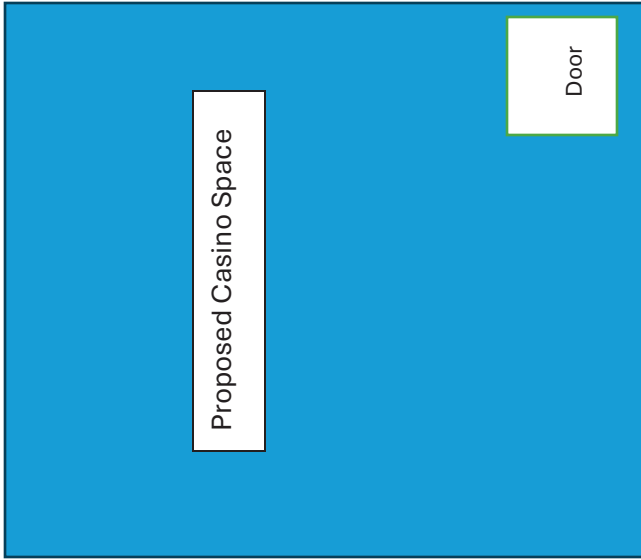
Sales  
Floor



Beer Cooler



Door

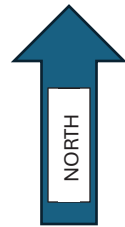


Proposed Casino Space



Door

ARNIE'S



NORTH



Door

## 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 NIEW LLC has applied for a conditional use permit for Alcohol Sales (on-site); located at 1208 E 1<sup>st</sup> Ave, legally described as Lots 11 & 12, Block 13, Gleeson's Addition, 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, November 24, 2025, 12:00 P.M. (Noon) and the Board of Adjustment on Monday, December 1, 2025 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 5<sup>th</sup> day of November, 2025.

Michelle Bathke

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FINANCE OFFICER

Publish once: 12<sup>th</sup> day of November, 2025

**Approximate Cost:**

NIEW LLC  
1218 E 1<sup>st</sup> Ave  
Mitchell, SD 57301

Habitat for Humanity  
Rachel Hagenbaugh  
417 N Main St #117  
Mitchell, SD 57301

Mary Rodriguez  
PO Box 701  
Mitchell, SD 57301

Jerry Fischer  
Julia Fischer  
1209 E 2<sup>nd</sup> Ave  
Mitchell, SD 57301

Kimberly Vanwalleghen  
40813 241<sup>st</sup> St  
Letcher, SD 57359

Aaron & April Miller  
1219 E 2<sup>nd</sup> Ave  
Mitchell, SD 57301

Chad Gerlach  
1225 E 2<sup>nd</sup> Ave  
Mitchell, SD 57301

Lyle Johnson  
114 N Foster ST  
Mitchell, SD 57301

Ruth Kaley  
118 N Foster St  
Mitchell, SD 57301

Carrie Roth  
1313 E 2<sup>nd</sup> Ave  
Mitchell, SD 57301

Curtis Gakin  
102 N Foster St  
Mitchell, SD 57301

Martin & Lila Eilts  
1301 E 1<sup>st</sup> Ave  
Mitchell, SD 57301

Andrew Hoffman  
1303 E 1<sup>st</sup> Ave  
Mitchell, SD 57301

Larry & Jane Sexton  
1317 E 1<sup>st</sup> Ave  
Mitchell, SD 57301

City of Mitchell  
612 N Main  
Mitchell, SD 57301



November 12, 2025

**TO WHOM IT MAY CONCERN:**

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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](mailto:mark.jenniges@cityofmitchellsd.gov).

I/We JERRY FISCHER  
OWNER  
1209 EAST 2ND AVE MITCHELL SD, 57301  
ADDRESS

APPROVE  
 DISAPPROVE

COMMENTS: I HOPE THE PLANNING COMMISSION THINKS ABOUT ALL THE KIDS THAT ARE AT THE PARK SWIMMING AND WOULD GO TO A PLACE WITH A BAR, PLUS SCHOOL KIDS GO THERE ALSO (NOT A PLACE FOR KIDS) THE PLACE ISNT THAT BIG TO PUT A BAR, NOT MUCH PARKING AREA, IT GETS BUSY WITH TRAFFIC AND THE ALLEY WITH TRUCKS AND PEOPLE AND KIDS WALKING, THIS IS A QUITE NEIGHBORHOOD WITH ELDERLY PEOPLE WE DONT NEED TROUBLE MAKERS AT A BAR. WE BELIEVE THIS IS ALL ABOUT HAVING VIDEO LOTTERY

*Outside expectations*

Dear city of Mitchell

I am in favor of approving Arnie's conditional use permit at first and foster. I believe Arnie's is a part of our community and I support it's growth. I am a local customer who lives a block away. Thanks

Shawna Claussen  
1310 e 2nd  
Mitchell SD 57301

I support the conditional use permit in favor of Arnie's on foster. Thank you.  
Trey Diedrich



November 12, 2025

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I/We Martin Edts / Dilara Edts  
OWNER  
1301 EAST First  
ADDRESS

APPROVE

DISAPPROVE

COMMENTS:

This was brought up several years ago and was rejected then. I don't know what has changed to allow onsale Alcohol in this neighborhood

I am writing to show support for a conditional use permit in favor of Arnie's first and foster. I live close and support with the growth of Arnie's. I stop to and from work almost on the daily.  
Byron Martin Jr



November 12, 2025

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I/We Sarah Reynolds, partner, NIEW LLC  
OWNER  
1212 E 1st Ave Mitchell  
ADDRESS

X APPROVE

\_\_\_\_\_ DISAPPROVE

COMMENTS:

*Outside expectations*

Goodmorning,

I just wanted to reach out to say I fully support this opportunity for Arnie's to receive a conditional use permit. As a renter right next door, this sounds like such a great idea to bring to the community.

Gabriella Garrels



CONSULTANTS

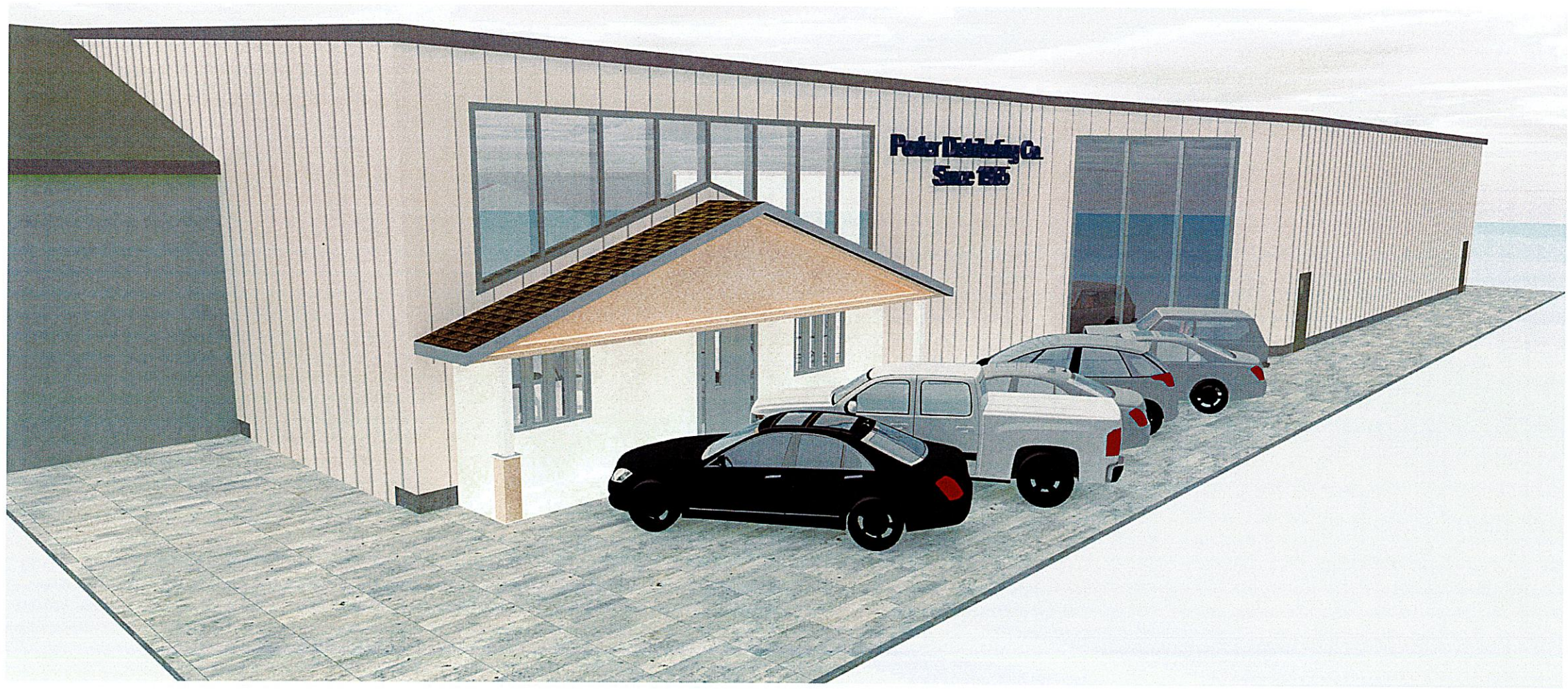
Porters

NOTES:

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SHEET TITLE  
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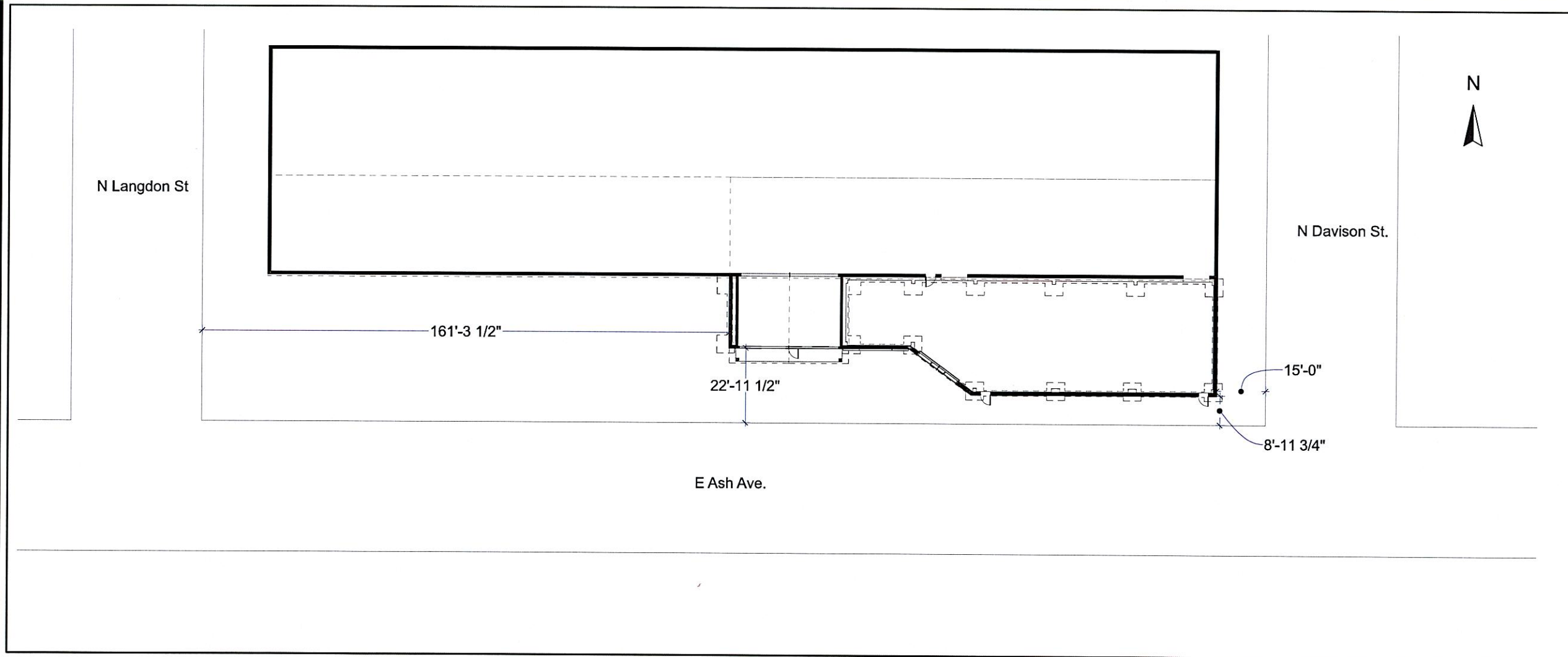
SHEET 1 OF 19



CONSULTANTS

Porters

NOTES:



-1

Site Layout

1/16" = 1'-0"

PROJECT NO: #Pin  
 Page Size: 24" x 36"  
 DRAWN BY: Matthew R Fristad  
 COPYRIGHT:

SHEET TITLE  
 Site Layout

C-1

SHEET 2 OF 19

CONSULTANTS

Porters

NOTES:

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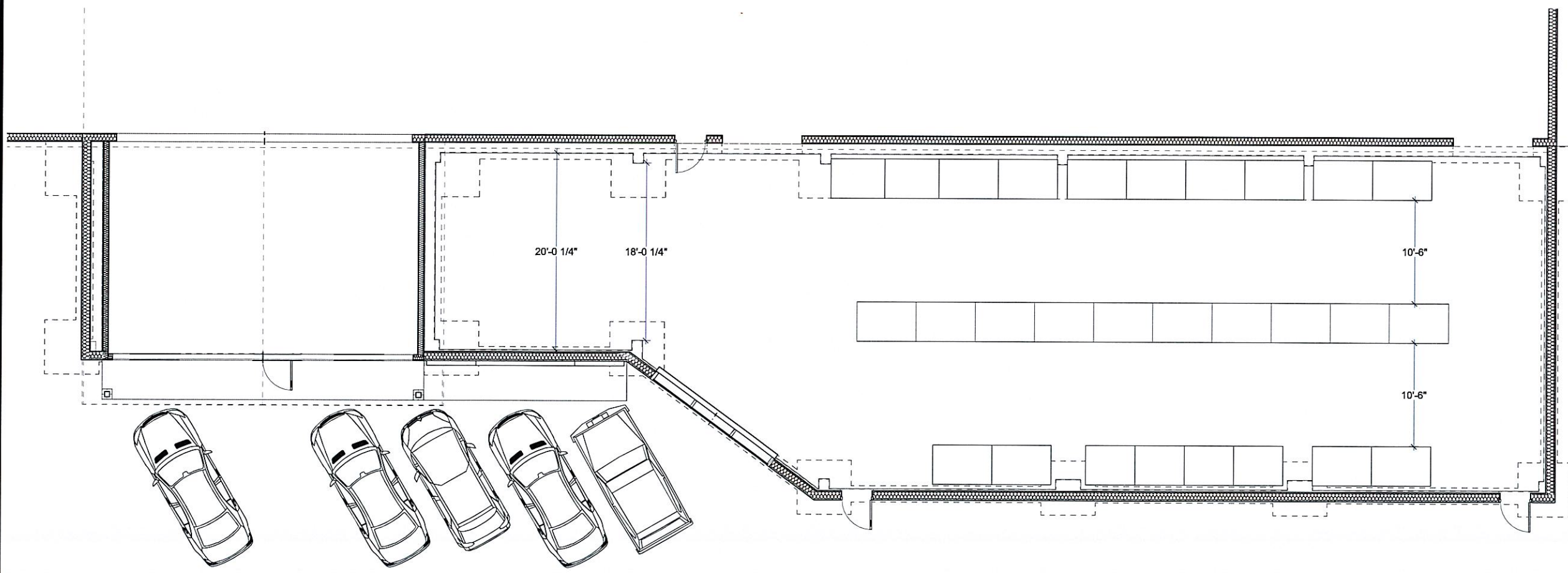
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SHEET TITLE

Layout

**A-1**

SHEET 18 OF 19



1 1/4" = 1'-0"

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NOTES:

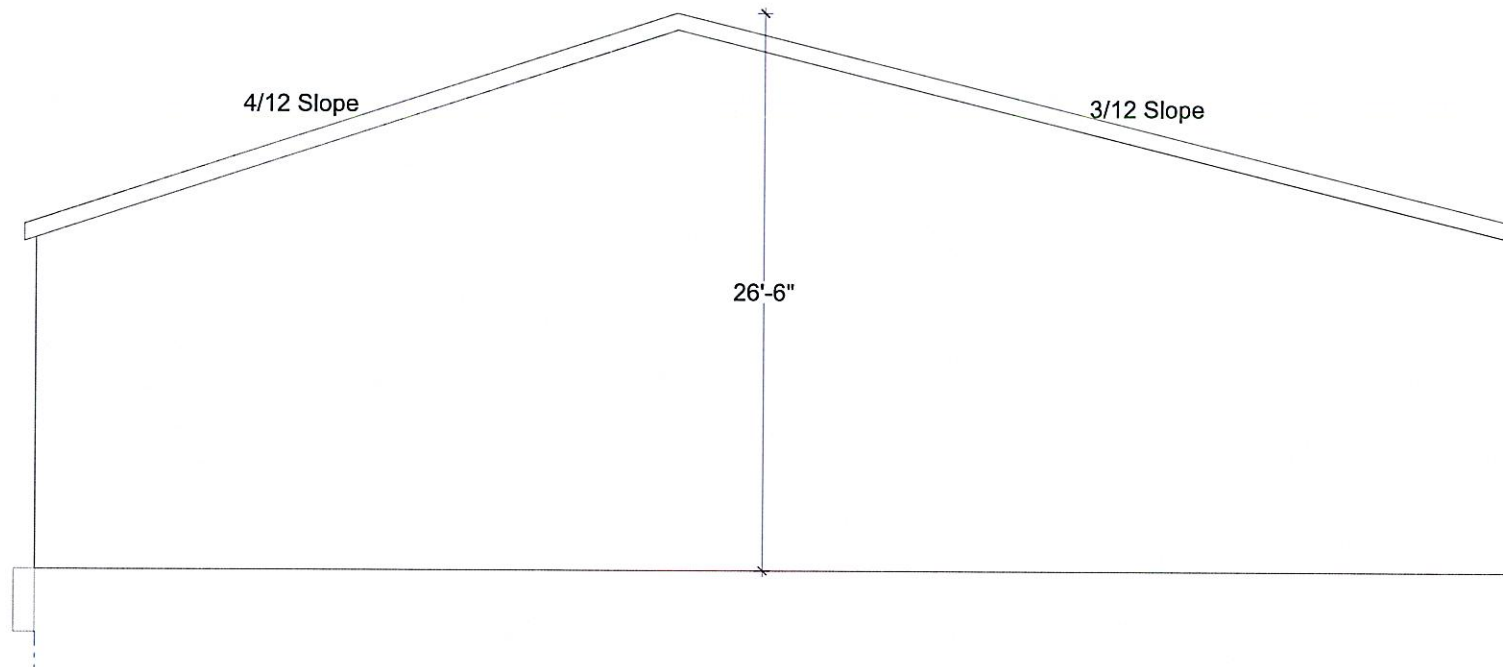
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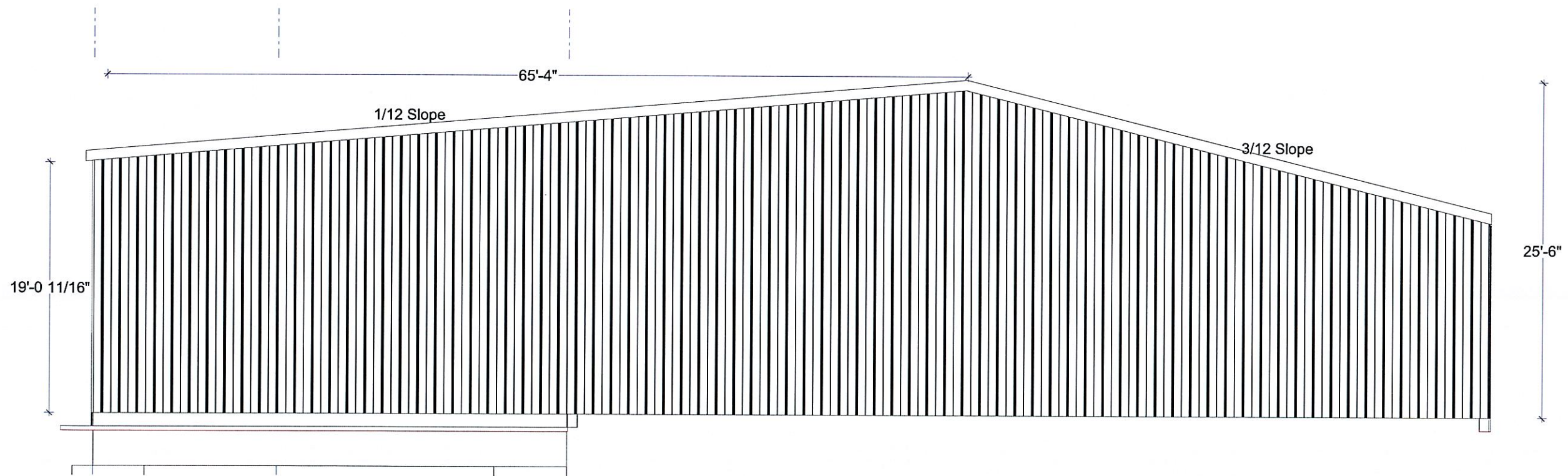
East Wall

**A-2**

SHEET 19 OF 19



1 Existing East Wall 1/4" = 1'-0"



2 New East Wall 1/4" = 1'-0"