

PLANNING COMMISSION MINUTES

JUNE 28, 2010

PRESIDING: Meyers

PRESENT: Meyers, Griffith, Schmucker, Everson, Fergen, Molumby, Smith

ABSENT: Larson

OTHERS: Putnam, Hegg, Johnson, Overweg, Mayor Sebert

AGENDA: Motion by Molumby, seconded by Schmucker to approve the agenda. All members present voting aye, motion carried.

MINUTES:

Motion by Everson, seconded by Fergen to approve the minutes of the regular meeting of June 14, 2010. All members present voting aye, motion carried.

NEXT MEETING:

Motion by Fergen, seconded by Molumby to schedule the next Planning Commission meeting for July 12, 2010 at 12:00 p.m. subject to chair for hearings on petitions for rezoning and applications for variances and conditional use permits for publication and Finance Officer be directed to give notice according to statute. All members present voting aye, motion carried.

VARIANCE: Jim Puetz to construct an addition to his Garage, located at 1410 E Ash Ave, legally described as Lot 8 & E½ Lot 7, Block 7, Fairview Addition to the City of Mitchell, Davison County, South Dakota; the request is being made because the side yard setback not met. Zoned R-2. Applicant will provide approximately a 0' side yard setback instead of the 8' that is required.

The applicant was not available to answer questions of the commission. Motion by Molumby, seconded by Griffith to table the application to the next meeting. All members present voting aye, motion carried.

VARIANCE: Derek Howard to construct an addition to garage, located at 521 W 14th Ave, legally described as Lot 6, Block 18, Capital Addition to the City of Mitchell, Davison County, South Dakota; the request is being made because the size limitation will not be met. Zoned R-2. Applicant will provide approximately a 1248 sq footage instead of the 1050 that is required.

Mr. Howard was available to answer questions of the commission. Motion by Molumby, seconded by Everson to recommend to the Board of Adjustment approve the variance. All members present voting aye, motion carried.

CONDITIONAL USE: LAB LLC to operate a gasoline service station with convenience retail and car wash located at 1218 E. 1st Ave, legally described as Lots 11 & 12, Block 13, Gleeson's Addition to the City of Mitchell, Davison County, South Dakota. Zoned R-4. A gasoline service station with convenience retail and car wash requires a Conditional Use permit within the said District.

Putnam pointed out that a car wash is not a permitted or conditional use in the R-4 district therefore this use cannot be considered. Chairman Meyers ask for comments in regards to the said application. Martin Eilts, 1301 E 1st Avenue, noted the applicants' property is within closer proximity to the new elementary school, aquatic center and Hitchcock Park. He asked the commission to consider a condition that no alcohol or casino be placed on the said conditional use permit.

Randall Pratt, 1200 E 2nd Ave, stated he was 'ok' with the convenience store and gasoline service station, but was opposed to alcohol sales and casino. He referenced a letter that was distributed to the neighbors by the applicant.

Ray Borgen, 102 N Foster St, expressed concern about increase traffic. He mentioned there are many children in the area due to the park and pool. He also expressed concern about the hours of the proposed business. He stated this is a residential district. He was concerned about the 'down the road' intent. He indicated the need for an analysis of the traffic control in this intersection.

June Brewick, 108 N Hunter St, also expressed opposition to the alcohol sales and a possible casino. She has resided in the area for 40 years.

Greg Lyman, applicant responded to remarks of the neighboring properties owners. The applicants have previously communicated with the neighboring property owners. He and the other applicants are looking to construct a new building and continue the uses of the previous owner's conditional use permit.

Doug Backlund, applicant, also provided comments for consideration by the commission.

Schmucker, asked City Attorney Stiles to provide an analysis of the applicants request. Stiles presented a draft document that he recommended the applicants sign which acknowledges that if the conditional use is granted it does not authorize the on/off sale of any liquor alcoholic beverages. Applicants further understand that a rezoning would need to be done in order for applicants to sell an on/off sale, any alcoholic beverage of liquor, and that the granting of this conditional use does not obligate the city to alter the zoning accommodate on/off sale of alcohol or liquor in/on this location. Stiles also reminded the commission the property is zoned R-4 and there are no properties in the city that are within a residential zoning district that provides alcohol sales.

The commission considered the comments of the applicants, neighbors, and legal counsel. The commission recommends the traffic commission examine the traffic flow and possible hazards at this intersection.

Motion by Molumby, seconded by Everson to recommend approval of the conditional use permit for a convenience store and gasoline station to the Board of Adjustment, with the notation alcohol sales are not allowed in residential districts and they applicants are aware of this determination.

Roll call vote: Molumby aye, Everson aye, Fergen aye, Meyers aye, Griffith no, Schmucker no. Motion passes 4 to 2.

VARIANCE: LAB LLC to construct a gasoline service station with convenience retail and car wash, located at 1218 E. 1st Ave, legally described as Lots 11 and 12, Block 13, Gleeson's Addition to the City of Mitchell, Davison County, South Dakota; the request is being made because the side yard setback not met. Zoned R-4 High Density Residential District. Applicant will provide approximately a 0" side yard setback instead of the 6' that is required.

The applicants wish to construct the new building on the exact same location the existing building sits. Motion by Molumby, seconded by Everson to recommend approval to the variance to the Board of Adjustment. Roll call, Everson yes, Fergen yes, Molumby yes, Schmucker yes, Meyers yes, Griffith no.

PLAT: Plat of Lot 13 in the Replat of Tract E Wild Oak Golf Club Addition
Motion by Everson, seconded by Fergen to approve the plat. All members present voting aye, motion carried.

PLAT: Plat of Lot 3 and Lot 6 in Tract I Wild Oak Golf Club Addition
Motion by Everson, seconded by Schmucker to approve the plat. All members present voting aye, motion carried.

TIF: Tax Incremental District #14
Don Petersen, attorney on behalf of the Mitchell Area Development Corp., presented the project plan for Tax Incremental Financing District # 14. Putnam reported the proposed TIF district was submitted to the TIF review committee and they recommended approval of the district. Putnam also mentioned that this meeting was appropriately noticed and this is the public hearing for consideration of the district.

Petersen stated the MADC is the applicant and the following real property is to included in the district; Lots 1 and 2, Block C, Westview Addition, SE ¼, Section 20, T 103 N, R 60 W, City of Mitchell, Davison County, South Dakota.

Easement 1: A portion of Lot 1, Block A, Westview Addition, SE ¼, Section 20, T 103 N, R 60 W, City of Mitchell, Davison County, South Dakota

Easement 2: The W 33 feet of Lot 1, Block B, Westview Addition, SE ¼, Section 20, T 103 N, R 60 W, City of Mitchell, Davison County, South Dakota

Streets Right-of-way:

All portions of the city right-of-way, consisting of that portion of Harriet Street in the City of Mitchell, starting at said street's intersection with West Cedar Avenue, and continuing north to its end. All portions of the city right-of-way, consisting of that portion of West Cedar Avenue to its intersection with Jones Street in the City of Mitchell.

All portions of the city right-of-way, consisting of that portion of West Ash Avenue that acts as the northerly boundary for Lots 1 & 2, Block C, Westview Addition, City of Mitchell and its intersection with Harriet Street.

Petersen stated the eligible project costs are estimated to be approximately \$622,938, which includes capitalized interest. The estimated revenue projections over the life of the TIF District are estimated to be approximately \$952,886. Therefore, there should be sufficient revenue to service the debt. He stated the construction of a 51,000 square foot distribution warehouse building is to commence soon. The property owner will be receiving the discretionary formula. Petersen provided an explanation on the applicability of the state statutes that reference tax incremental financing. Petersen also presented a blight certificate for the project. He also reminded the commission this property is located within TIF # 1, which is to dissolve later this year. Petersen was available to answer questions of the commission. The project plan is on file with public works department and attached to the planning commission minutes.

Motion by Molumby, seconded by Griffith to recommend the city council approved the submitted project plan for TIF # 14, establish the boundaries of TIF #14 which include the aforementioned legal descriptions and to recommend TIF # 14 to be created. All members present voting aye, motion carried

Putnam shared an inquiry from a downtown business about the need for a conditional use permit. There was discussion, but no action taken.

OTHER BUSINESS: Bylaws Review

The Bylaws Review will be an agenda item at the next planning commission meeting

ADJOURN:

Chairman Meyers adjourned meeting at 1:20 P.M.

Minutes submitted by Neil Putnam