

PLANNING COMMISSION MINUTES

OCTOBER 12, 2010

PRESIDING: Meyers

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

ABSENT: Larson

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

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

MINUTES:

Motion by Molumby, seconded by Schmucker to approve the minutes of the regular meeting of September 27, 2010. All members present voting aye, motion carried.

NEXT MEETING:

Motion by Griffith, seconded by Everson to schedule the next Planning Commission meeting for October 25, 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.

REZONE: LAB, LLC, on the matter of rezoning property described by Lots 11 and 12, Block 13, Gleeson's Addition, which shall be known as the 1218 E 1st Ave from its present use and now designated R-4 District to HB District as defined by the ordinances of the City of Mitchell, South Dakota.

Robin Ackman stated he was requesting a rezone to have off sale alcohol sales at the convenience store. This was the only zoning district that would allow off sale alcohol. Dean Ulmer asked the commission to deny the rezoning request because of the children in the area. Ray Borgen lives across the street and did not want alcohol nor a casino in a residential area. Robin Ackman said he had sent them letters to let them know it was going to be a convenience store with off sale beer like Robinson's Sport Stop on Burr St.. Ray Borgen stated that LAB LLC does not say what they will do specifically. Kathy Gouin said it would bring a whole new clientele into the neighborhood and she also worries about the safety of the children. Nancy Torgerson said she lived in Rapid City where they rezoned property across the street from her home and it brought in more calls from the police dept. She would not let her children go to the new convenience store if they sold beer. Randall Pratt stated noise levels would be up and he feels this is spot zoning. Jane Brewick noted that Longfellow is close and was concerned about the impact on neighborhood. Rollie Loon asked about a comprehensive plan for this area. This is an immoral issue and it would creep out to other

areas. He also stated this was spot zoning and could be challenged in court. Paul Tobin this would be a great convenience for him and he did not have any objections to it. Sue Tubbs had concerns about what the applicants are doing. Robin Ackman question what spot in town can you buy groceries and not find alcohol. Putnam reviewed the HB and NS district zoning regulations. Meyers and Everson both said this would be considered spot zoning and they stay away from that. Robin Ackman said there is other places in town where spot zoning is done. Doug Molumby said the statement about not being able to buy any groceries without having beer in the store is very true and buying beer is part of a convenience store. Gertie Belle School has a casino just across the street from it. Robinson Sport Stop is only three blocks from Longfellow. Motion by Everson, seconded by Griffith to recommend denying this request due to spot zoning concerns. After roll call Griffith, Meyers, Schmucker, Everson and Fergen voting aye and Molumby voting nay. Motion carried.

REZONE: Doug Backlund, on the matter of rezoning property described by Lot 10, Block 13, Gleeson's, which shall be known as the 1212 E 1st Ave from its present use and now designated R-4 District to HB District as defined by the ordinances of the City of Mitchell, South Dakota.

Doug Backlund said this is right next door and wanted this also rezoned to expand in the future. Motion by Everson, seconded by Griffith to recommend to deny this rezone request, due to spot zoning. Molumby questioned if this was a residential lot and it was. After roll call, all present voting aye, motion carried.

PLAT: Plat of Lot 14A, Block 1 of Westwood 1st Add., A Subdivision of the SW¼ of Section 16, T103N, R60, W of the 5th P.M., City of Mitchell, Davison County, SD. Motion by Schmucker, seconded by Everson to recommend approving this plat. All members present voting aye, motion carried.

PLAN: MSTM Properties, 1820 Loma Linda, Lot X-4 and Lot X-5 within Lot X located in SE¼ of NE¼ of 29-103-60 Platted Various to the City of Mitchell, Davison County, South Dakota. Zoned HB.

When questioned about drainage Dilano Miller said they did not have any water problems and even helped the nearby trailer court. Terry Johnson asked the commission to require a drainage plan before approving this plan. Motion by Everson, seconded by Schmucker to approve this plan on the condition that the City Engineer approve the drainage plan. All members present voting aye, motion carried

DISCUSSION ONLY: Ethan Lumber Woodland Heights
Planned Development District.

Dan Boehmer had a request to put in storage units along highway 37 which probably was not a very good spot for housing. Putnam explained this was a planned development district and we could go with plan a) amend Sub area C in the planned development ordinance #2053 or b) we could rezone that parcel. The commission would like to have the residents in the area to be aware of putting in storage units. Dan Boehmer said he would put in a buffer of trees and he owns the land next to this

and if it was sold for housing the people buying it would know that storage units were next to them. After discussion, the commission would like to change the planned development ordinance in section Sub area C. Discussion only, no action taken.

SIGN: Burnison's Heating & Cooling 1222 W Havens
This sign is already up. Meyers questioned if this followed the state's code for signage. Putnam would check on the states regulation. Motion by Molumby, seconded by Everson to table this sign.

ADJOURN:
Chairman Meyers adjourned meeting at 1:25 P.M.

Minutes submitted by Sheila Loecker