

CITY OF MITCHELL  
CITY PLANNING COMMISSION MINUTES  
March 28, 2022

NOT APPROVED

1. Chairperson Larson called the March 28, 2022 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: Larson, Osterloo, Sonne, Penney, Doescher.  
Absent: Genzlinger, Jirsa, Molumby,  
Staff Present: Jenniges, Schroeder, T Johnson, Sandoval, Hegg, Ellwein, Mayor Everson.
3. Declare conflicts of interest- Sonne believed he had a conflict with item # 12, after discussion, motion by Penny, seconded by Osterloo, that Sonne does not have a conflict with item #12. Roll call vote: Larson – aye, Molumby – absent, Jirsa –absent, Osterloo – aye, Genzlinger –absent, Sonne –abstain, Penney– aye. 3 aye, 0 nay, 1 abstain, 3 absent, motion carried.
4. Approval of proposed agenda: Motion by Osterloo, seconded by Penney, to approve the proposed agenda. All present members voting aye, motion carried.
5. Approval of proposed minutes: Motion by Osterloo, seconded by Sonne, to approve the minutes of the March 14, 2022 Planning Commission meeting. All present members voting aye, motion carried.
6. Schedule next meeting: Motion by Sonne, seconded by Osterloo, to schedule the next meeting for April 11, 2022. All present members voting aye, motion carried.
7. Variance: Carey & Darlene Buhler have applied for a Variance Permit for an attached garage and accessory building combination of 2,160 square feet vs 2,000 square feet and maximum height for an accessory building of 30’ vs 22’; located at 600 Greenridge Lane, legally described as Lot 3, Block 2, Greenridge Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R1 Single Family Residential District. The applicant was present to answer questions. Notices were sent out to the neighbors and it was published in the official newspaper with one responses in favor and three opposed. There were 7 letters sent out. This application was tabled at the last meeting for further information from applicants.

Carey Buhler gave an overview of his land, flat to the north where they built their house and to the south it’s heavily wooded and a drainage area. When the house was built they cut costs by cutting out a portion of the garage. They looked at an addition to the house but lost some of the land by the hill on the north side in 1997 due to over saturation and a hill slide because of it.. The garage will be used for recreation and storage. The second floor will be for recreational space and storage and the walk out area for more storage,

not a dwelling. There will be span Crete between the main level and walkout to get away from having to use any posts in the lower floor. There will be a deck above the walk out area which is essentially at ground level. Mr Buhler showed pictures of the wooded area the south of his property showing no privacy issues with neighbors. He also showed pictures of the type of roof he would like to use, standing seam roof design with invisible fasteners. It is a non-combustible product. They have washed off firework debris from their roof in the past and the roof on their house is cedar shakes. This is the reason they choose the metal roof.

Osterloo inquired what their hardship is for building the overage in size and height. Mr. Buhler responded that they would have to go back and redesign it. Osterloo did not see that as a hardship.

Penny stated he had received phone calls in regards to this application and seeing the neighbors response against it he disapproves of it.

Motion by Penney, seconded by Osterloo, to deny the variance. Roll call vote: Larson – nay, Molumby – absent, Jirsa – absent, Osterloo – aye, Genzlinger – absent, Sonne – aye, Penney – aye. 3 aye, 1 nay, 3 absent, motion carried.

8. Variance: Robert D. Kummer of Infrastructure Design Group, Inc. representing Larry Weisser has applied for a Variance Permit for the following:

Lot A:

Minimum front yard setback of 19' vs 25' for an existing dwelling.

Lot B:

Minimum front yard setback of 19' vs 25' for an existing dwelling.

Minimum side yard corner setback of 12.2' vs 20' for an existing dwelling.

Minimum lot width of 67.06' vs 70'.

Minimum lot area of 9,580 square feet vs 10,000 square feet.

This is located at 1510 and 1520 E 1<sup>st</sup> Ave, will be legally described as Lots A & B in Block 10 of S.T. Greene's Addition, a replat of Lots 10, 11 and 12 in Block 10 of S.T. Greene's Addition to the City of Mitchell, Davison County, South Dakota and is currently legally described as Lots 10, 11 & 12, Block 10 of S.T. Greene Addition, City of Mitchell, Davison County, South Dakota, The said real property is zoned R2 Single Family Residential District. The applicant was not present to answer questions. Notices were sent out to the neighbors and it was published in the official newspaper with two responses in favor and no opposed.

Larson also read item # 9 with this application since they go together.

Jenniges explained the applicant is taking the existing three lots and combining them into two. There are no proposed additions to any of the buildings, just changing the lot lines. The applicant tried to accommodate the ordinance as much as possible by moving the line

between the two proposed parcels so the no side yard variance by the garage was needed. The house on proposed Lot A being so close to the east property line is causing the variances in width and lot size for Lot B. The front yard variance for both is a result of E 1<sup>st</sup> Ave being an 80 ROW instead of the usual city 66' ROW. E 1<sup>st</sup> used to be Highway 16.

Motion by Sonne, seconded by Osterloo, to approve the Variances. Roll call vote: Larson – aye, Molumby – absent, Jirsa – absent, Osterloo – aye, Genzlinger – absent, Sonne – aye, Penney – aye. 4 aye, 0 nay, 3 absent, motion carried.

9. Plat: Plat of Lots A & B in Block 10 of S.T. Greene's Addition, a replat of Lots 10, 11 and 12 in Block 10 of S.T. Greene's Addition to the City of Mitchell, Davison County, South Dakota; as requested by Robert D. Kummer of Infrastructure Design Group, Inc. representing Larry Weisser. The applicant was not present to answer questions.

This item was discussed with item #8, there were no new questions or comments.

Motion by Osterloo, seconded by Sonne, to approve the Plat. All present members voting aye, motion carried.

10. Variance: Robert D. Kummer of Infrastructure Design Group, Inc. representing Cory Marek has applied for a Variance Permit for minimum front yard setback of 9' vs 25' for an existing dwelling. Located at 710 N Kittridge St, will be legally described as Lot A in Block 2 of Robert Wilkinson's Addition, a vacation and replat of Lot 5 and Lot 6 of Robert Wilkinson's Addition to the City of Mitchell, Davison County, South Dakota and is currently legally described as Lots 5 & 6 in Block 2 & S ½ of Vacated 8<sup>th</sup> Ave & N ½ of Vacated Alley Abutting of Robert Wilkinson's Addition to the City of Mitchell, Davison County, South Dakota, The said real property is zoned R4 High Density Residential District. The applicant was not present to answer questions. Notices were sent out to the neighbors and it was published in the official newspaper with one responses in favor and no opposed.

Jenniges explained the applicant would like to split his existing lot into two. This creates a new legal for the existing house which is non-conforming for a setback. They are not building onto the house. The original layout had 8<sup>th</sup> St as the front yard and that was vacated and so they use Kittridge St for the front yard. The existing garage on the lot has also been removed so no variance in setback is required for that.

Motion by Sonne, seconded by Penney, to approve the Variance. All present members voting aye, motion carried.

11. Plat: Plat of Lot A and Lot B in Block 2 of Robert Wilkinson's Addition, a vacation and replat of Lot 5 and Lot 6 of Robert Wilkinson's Addition to the City of Mitchell, Davison County, South Dakota; as requested by Robert D. Kummer of Infrastructure Design Group, Inc. representing Cory Marek. The applicant was not present to answer questions.

Jenniges explained the proposed Lot A will include the existing residence and the new Lot B will include a new residence and garage. Lot B meets all requirements of the ordinance for a dwelling. Platting these two lots will also clean up GIS and included the vacated street and alley.

Motion by Osterloo, seconded by Sonne, to approve the Plat. All present members voting aye, motion carried.

12. Hearing and action on establishing the boundaries and approval of the project plan for Tax Increment Financing District #27.

Don Peterson representing Groneweg Construction gave an overview of the TIF. There are 22 lots left for building on for development and all must be under the state's guideline for first time homebuyer price of \$300,000. Mr. Peterson explained they used a valuation of half at \$250K and the other half at \$300K. This is a 20 year TIF but could be paid off by 2035. The TIF will be for infrastructure and the project could not be completed without the TIF. The applicant is also doing a lot of the work themselves to keep cost down and stay within the state's restraints. This TIF will not go against the City's bonding capacity.

Ellwein stated the TIF review committee met and recommends approval of the TIF.

Motion by Osterloo, seconded by Penney, to set the boundaries for TIF District #27 to include the following and to approve the project plan and recommend approval of TIF District #27:

Lots Two (2) and Three (3) of Fiala's Addition in the East Half of the Northwest Quarter (E1/2 NW1/4) of Section Four (4), Township One Hundred Three (103) North, Range Sixty (60), West of the 5th P.M., City of Mitchell, Davison County, South Dakota, except Lots 16, 17, 18, 19, 20, and 21 of Airport Addition, A subdivision of previously platted Lots 2 and 3 of Fiala's Addition in the E 1/2 of the NW 1/4 of Section 4, T103N, R60W, City of Mitchell Davison County, South Dakota, and except those areas depicted as Future Lots 13 and 14 on the plat of Lot 21 of Airport Addition, A subdivision of previously platted Lots 2 and 3 of Fiala's Addition in the E 1/2 of the NW 1/4 of Section 4, T103N, R60W, City of Mitchell Davison County, South Dakota;

And

Lots 16, 17, 18, 19, 20, and 21 of Airport Addition, A subdivision of previously platted Lots 2 and 3 of Fiala's Addition in the E 1/2 of the NW 1/4 of Section 4, T103N, R60W, City of Mitchell Davison County, South Dakota.

Roll call vote: Larson – aye, Molumby – absent, Jirsa – absent, Osterloo – aye, Genzlinger – absent, Sonne – aye, Penney – aye. 4 aye, 0 nay, 3 absent, motion carried.

13. Hearing and recommendation: an ordinance amending 10-9B-3, Woodland Heights Planned Development District. The applicant was present to answer questions.

Jenniges explained Ethan Coop Lumber is requesting Lots 10-12, Block 5 of Woodland Heights Planned Development District be added to 10-9B-3 Subarea C. It was published in the official newspaper and there were no responses from those notified. These 3 lots were never designated to a Subarea, the owner wishes to allow permitted uses of single-family dwellings and multi-family dwelling twelve units or less which duplexes fit within. The applicant provided a preliminary site plan showing duplexes on each of the three lots.

Motion by Sonne, seconded by Penney, to recommend approval of the ordinance amendment. All present members voting aye, motion carried.

14. Plat: Plat of Lot 4, Block 5 of Woodland Heights First Addition, a subdivision of Lot 2, Crane's Addition in the SE  $\frac{1}{4}$  of Section 34, T 103 N, R 60 W of the 5<sup>th</sup> P.M., City of Mitchell, Davison County, South Dakota; as requested by Ethan Coop Lumber. The applicant was present to answer questions.

Jenniges explained this follows within their master plan.

Motion by Osterloo, seconded by Penney, to approve the Plat. All present members voting aye, motion carried.

15. Plat: Plat of Lots 1 & 2 of Rocky Todd Addition, a Subdivision of Lot 12A-3 in the SW  $\frac{1}{4}$  of Section 10, T 103 N R 60 W of the 5<sup>th</sup> P.M., City of Mitchell, Davison County, South Dakota; as requested by Todd Boyd. The applicant was not present to answer questions.

Rocky Newenhuies stated Kay Everson owns the property. He will be purchasing Lot 1 and Todd Boyd will be purchasing Lot 2.

Jenniges stated there is an access easement to Lot 2 on this plat and also the existing water main easement. Boyd owns the storage rentals to the north of the land.

Motion by Penney, seconded by Sonne, to approve the Plat. All present members voting aye, motion carried.

16. Plat: Plat of Lots 29-A, 30-A, 31-A and 32-A, Block 10, Sunnyside Addition to the City of Mitchell, Davison County, South Dakota; as requested by Jeff Larson. The applicant was present to answer questions.

Jeff Larson explained they intend to build two duplexes on the four lots.

Osterloo questioned the size of the lots to meet minimum lot width.

Jenniges explained the applicant will combine two lots into one parcel at the Department of Equalization office and obtain a building permit to build the duplex. After the duplex is built they will sell each lot separately instead of by footages. Title companies prefer sales of lots instead of by footages. Jenniges also explained that after the half of the duplex is sold and have the dwelling on it, it becomes a non-conforming lot because it does not meet ordinance requirements and a new building permit will not be able to be issued unless that landowner applies for a variance.

Schroeder referenced the duplex to the east of these four lots, it's currently still on one parcel but splitting that by measurements would make it non-conforming. His opinion is that this is the cleaner of the two non-conforming ways. The city cannot stop the sale of land.

Motion by Osterloo, seconded by Penney, to approve the Plat. All present members voting aye, motion carried.

17. Plat: Plat of Lots 6, 7, 8, 9, 10, 11 and 12, Block 2 MLC Addition, a subdivision of Block 3 and Lot 4B, Block 4, Morningview Addition to the City of Mitchell, Davison County, South Dakota; as requested by Mueller Lumber Company. The applicant was not present to answer questions.

Jenniges explained there was a mistake when the plat and resolution were originally passed and approved. The wording "Block 3" was left out. This is to clean up the mistake that was found. Normally just an affidavit of correction signed by the surveyor would be filed at the Register of Deeds but the title company requested it go back through the process.

Motion by Osterloo, seconded by Penney, to approve the Plat. All present members voting aye, motion carried.

18. Plan Approval: Agronomy Plus Inc. located at 2450 W Havens and zoned Highway Business requested an additional building on their site. The applicant was present to answer questions.

Pat Fetral of Agronomy Plus Inc. included a site layout in the packet and explained they wish to add 10 storage tanks of liquid fertilizer to their facility. The biggest tank would be 30,000 gallons, they currently have one 10,000 gallon tank indoors. There would be a containment pit around it of 125% capacity. The state will regulate the specs of the build as well as have a test well nearby to monitor.

Motion by Sonne, seconded by Osterloo, to approve the Plan. All present members voting aye, motion carried.

19. Other Business-None.

20. Public Comment-None.

21. Chairperson Larson adjourned the meeting at 1:16 P.M.

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Jay Larson  
Planning Commission Chairperson