

CITY OF MITCHELL
CITY PLANNING COMMISSION MINUTES
June 13, 2022

6/13/2022 - Minutes

1. Call To Order:

Chairperson Larson called the June 13, 2022 City Planning Commission Meeting to order at 12:02 P.M. noon in the Council Chambers, City Hall, 612 N Main Street.

2. Roll Call:

Roll Call-quorum is met, simple majority vote required for all items.

Present: Larson, Osterloo, Penney, Sonne, Doescher.

Absent: Molumby, Jirsa, Genzlinger

Staff Present: Jenniges, Schroeder, J Johnson, Hegg, Sandoval, Ellwein, Mayor Everson.

3. Declaration Of Conflicts Of Interests

None.

4. Approve Agenda:

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

5. Approval Of Previous Minutes 5-23-22.

Motion by Sonne, seconded by Osterloo, to approve the minutes of the May 23, 2022 Planning Commission meeting. All present members voting aye, motion carried.

6. Schedule Next Meeting-6-27-22 @ 12:00 P.M.

Motion by Penney, seconded by Osterloo, to schedule the next meeting for June 27, 2022. All present members voting aye, motion carried.

7. Conditional Use Permit: Thiesse Chiropractic-317 W 13th Ave.

Thiesse Chiropractic has applied for a Conditional Use Permit for a Parking Facility located at 317 W 13th Ave, legally described as Lot 5, Block 27, Capital Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R4 High Density 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 4 responses in favor and none opposed.

Jenniges explained there was a fire in the dwelling unit on the property. The garage in the rear of the property has been moved off the property. Thiesse Chiropractic business is to the west of this lot and they are looking for more parking. Long term plan would be to expand the existing business onto this lot as well.

The applicant stated her current parking lot is crowded so she would like to expand it. She plans to use Clark Paving to do the work.

Osterloo questioned drainage on the lot to which the applicant stated she didn't know of any drainage

issues. Schroeder said the city will work with them on what is needed for site layout of the project.

Motion by Osterloo, seconded by Sonne, to recommend approval of the Conditional Use Permit. 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.

8. Variance: DAK Properties LLC-1001 E 4th Ave.

DAK Properties LLC has applied for a variance for side corner yard setback of 12' vs 20' to construct an unattached 24' x 24' garage on a 43' wide lot located at 1001 E 4th Ave, legally described as the W 7 ½' of Lot 9 and all of Lot 10, Block 9, Gleeson's 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 neighbors and it was published in the official newspaper with 2 responses in favor (one stating only if with alley access only) and none against.

Jenniges explained the original corner lot was only 35.5'. The proposed garage would sit further back than the existing house. The applicant would like to build a two stall garage and use the existing pad for parking next to the garage, but with access still from the alley. There would be no parking across the sidewalk.

Motion by Sonne, seconded by Penney, to recommend approval of the Variance Permit. 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. Conditional Use Permit: Krall Eye Clinic-1415 N Sanborn Blvd.

Maxwell Rysdon of Watchfire Signs on behalf of Krall Eye Clinic has applied for a conditional use permit to install and operate an electric message center in a residential district located at 1415 N Sanborn Blvd, legally described as the Lots 1 thru 6 & E ½ of Vacated Edmunds Street, Block 12, Capital Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R2 Single Family Residential District and 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 two responses for, one not marked for or against just stating traffic concerns and none opposed.

Jenniges explained the applicant would like to remove the existing sign and put the new proposed one in its place. There are regulations per code for hours of day and brightness the electric message center can be. The current sign is outside the site triangle however Jenniges recommended due to the traffic volume and a bigger radius corner pushing the stop sign back further the new sign, if approved, be constructed on the west half of the existing location. The old sign is about 12' wide and the new one is about 6' wide but is taller.

Osterloo question if the sign could be up on a pole, which Jenniges explained it could but that is not what the applicant has applied for.

Motion by Osterloo, seconded by Penney, to recommend approval of the Conditional Use Permit with the condition the sign be placed on the west half of the existing sign's location. 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.

10. Variance: Jason Bates -1112 N Rowley.

Jason Bates has applied for a variance for maximum lot coverage of 50% vs 45% to construct a detached garage located at 1112 N Rowley St, legally described as the Lot 16, Block 4, D.A. Scotts Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R2 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 four responses in favor and none opposed.

Jenniges explained the applicant would like to build a detached garage with the door on the south side of

the building, this new construction puts him over the maximum lot coverage allowed.

The applicant stated he would like to move his hot tub from the north side of his house into this building because of the swirling north winds at the current location. He would also use the new garage for storage of bikes and other equipment. He would use the existing structure on the north side of the house for his grill and patio furniture. The area where this is going to be built was already red rock, not grass. He has bad allergies so the less mowing the better it is for him. All the drainage goes to the alley already.

Motion by Osterloo, seconded by Sonne, to recommend approval of the Variance Permit. All present members voting aye; motion carried.

- 11. Plat: Lots A 1, A2 And A3, A Subdivision Of Lot A Of Mommer's Subdivision In The NE 1/4 Of Section 14, T 103 N, R 60 W Of The 5th P.M., Davison County, South Dakota; As Requested By Keith & Carrie Young.**

The applicant was not present to answer questions.

Jenniges explained this is outside the city limits but within the ETJ. There is an access easement with the plat for Lot A2 from the parcel to the south and Lot A1 can be accessed from Southview Drive. Davison County Planning Commission approved the plat on 6-7-22 and Davison County Commission will hear it on 6-14-22.

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

- 12. Plat: Lot O-2 Of Titze's Addition, In The South Half Of The Southwest Quarter (S 1/2, SW 1/4) Of Section 24, T 103 N, R 61 W Of The 5th P.M., Davison County, South Dakota; As Requested By Keith & Bonnie Struble.**

The applicant was not present to answer questions.

Jenniges explained this is located outside the ETJ but within the 3 miles of city limits. The applicant is combining a couple of lots so they can obtain a building permit for a pole shed. Davison County Planning Commission approved the plat on 6-7-22 and Davison County Commission will hear it on 6-14-22.

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

- 13. Plat: Lot 2, Block 5 Of Woodland Heights First Addition, A Subdivision Of Lot 2, And Tracts 2 And 3, Block 1, All In Crane's Addition In The Se 1/4 Of Section 34, T 103 N, R 60 W Of The 5th P.M., City Of Mitchell, Davison County, South Dakota; As Requested By Ethan Coop Lumber.**

The applicant was not present to answer questions.

Jenniges explained this follows the master plan for the area and a house is going to be built on the location.

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

- 14. Plat: Lots 1-4, Block 1; Lots 1-12, Block 2; Lots 1-22, Block 3; Lots 1-30, Block 4; Lots 1-46, Block 5; Lots 1-5, Block 6; Apache, Cheyenne, Sioux And Dakota Avenues; All Of South Lake Estates Subdivision To The City Of Mitchell, In The SW 1/4 Of Section 4, T 103 N, R 60 W Of The 5th P.M., Davison County, South Dakota; As Requested By CJM Consulting Inc.**

The applicant was not present to answer questions.

Jenniges explained the master plan for the area was approved in December of 2021. Road names were

approved at the June 8, 2022 LEPC meeting. The applicant is replatting the existing development and removing the alleys within the subdivision, this is actually the 4th time the development has been platted. Davison County Register of Deeds appreciates a whole development being platted at one time instead of lot by lot.

Schroeder stated Public Works has no concerns.

Motion by Penney, seconded by Osterloo, to approve the Plat. 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.

15. Plan Approval-Mya's Teriyaki-503 N Sanborn Blvd-Neighborhood Shopping District.

The applicant and Don Peterson were present to answer questions.

Jenniges explained the existing use is a gas station/convenience store and the applicant would like to change the use to a restaurant. They will be removing the gas pumps and be in contact with DANR and GEO Tech during that process. Parking requirement is 1 space per 3 seats, the site plan presented shows 20 parking spaces.

Don Peterson and the owner stated the old fuel tanks will be coming out and the change of use will be to a restaurant. The owners have been in the restaurant business for a number of years. This will be a quick service restaurant due to worker shortages. It will be a service style like a Panda Garden. It will be ethnic foods being served. They have plans to add a smoothie bar in the future.

Motion by Penney, seconded by Osterloo, to approve the Plan. 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.

16. Other Business:

None.

17. Public Input: If You Need To Address The City Planning Commission 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.

Patrick Haines believes City Attorney Johnson and City Planner Jenniges are conspiring against him. He will not have to be handcuffed and dragged out like has happened to others at these meetings (he was informed that was School Board and is a totally different board of people and that has not happened here). He believes his rights have been violated and trampled upon. His plan was approved at the last meeting and he was not allowed back on the agenda for this meeting.

Larson informed him that the board has no action to take and if he felt his rights were violated he should talk to Mr. Peterson that was just attending the meeting.

18. Adjournment:

Chairperson Larson adjourned the meeting at 12:42 P.M.



Jay Larson

Planning Commission Chairperson