

CITY OF MITCHELL  
CITY PLANNING COMMISSION MINUTES

11/14/2022 - Minutes

**1. Call To Order:**

*Chairperson Larson called the November 14, 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: Genzlinger, Larson, Osterloo, Sonne, Doescher.  
Absent: Jirsa, Penney, Schmitz  
Staff Present: Mayor Everson, Jenniges, J Johnson, T Johnson, Schroeder.*

**3. Declaration Of Conflicts Of Interests**

*Genzlinger stated he had done work for item #11 on the agenda but has no further contract with the applicant. After discussion motion by Sonne, second by Osterloo that Genzlinger has no conflict of interest. Roll call vote: Genzlinger – aye, Jirsa – absent, Larson – aye, Osterloo – aye, Penney – absent, Schmitz – absent, Sonne – aye. 4 aye, 0 nay, 3 absent; motion carried.*

**4. Approve Agenda:**

*Motion by Genzlinger, seconded by Osterloo to approve the proposed agenda. Roll call vote: Genzlinger – aye, Jirsa – absent, Larson – aye, Osterloo – aye, Penney – absent, Schmitz – absent, Sonne – aye. 4 aye, 0 nay, 3 absent; motion carried.*

**5. Approval Of Previous Minutes 11-7-22.**

*Motion by Sonne, seconded by Osterloo to approve the previous minutes of the November 7, 2022 Planning Commission meeting. All present voting aye; motion carried.*

**6. Schedule Next Meeting-11-28-22 @ 12:00 P.M.**

*Motion by Genzlinger, seconded by Osterloo to set the date for the next Planning Commission meeting to be November 28, 2022. All present voting aye; motion carried.*

**7. Variance: Josh And Joni Rasmussen-322 S Wisconsin.**

*Joni and Josh Rasmussen have applied for a variance in minimum front yard setback of 8' vs 25' and side corner yard setback of 16' vs 20' to construct a wraparound porch and move the existing front door from the southwest corner of the house to the south side located at 322 S Wisconsin St, legally described as Lots 7 & 8, Block 12, Railroad Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned Single Family Residential District (R2).*

*Jenniges explained notices were sent out to the neighbors and it was published in the official news paper with five responses in favor of the variance. Jenniges noted this will not be within the site triangle and it will not be an enclosed structure just a covered porch. The applicant was present to answer questions.*

*Larson commented that the house was probably never in conformance with zoning code because it was built prior to the code on a 50' wide lot. Jenniges noted the west side did meet the side corner setback prior*

to the request of the variance, but the south side did not.

Motion by Genzlinger, seconded by Sonne to recommend approval of the variance. Roll call vote: Genzlinger – aye, Jirsa – absent, Larson – aye, Osterloo – aye, Penney – absent, Schmitz – absent, Sonne – aye. 4 aye, 0 nay, 3 absent; motion carried.

#### **8. Conditional Use Permit: Gold Key Properties LLC-705, 707 And 711 S Davison St.**

Gold Key Properties LLC has applied for a conditional use permit for multi-family dwelling units between 5 and 12 (7 dwelling units total on combined lots) located at 705,707 and 711 S Davison St, legally described as Lots 54-56 of Overlook Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned Medium Density Family Residential District (R3).

Jenniges explained notices were sent out to the neighbors and it was published in the official newspaper with one response received in favor that did not make the packet but had no comments with it. Jenniges noted he did receive a call from a landowner to the west that has concerns about the drainage issues this could create but did not have issues with the conditional use or variance as a whole. The applicant was present to answer questions.

Jenniges explained that by combining the three lots into one parcel the applicant meets the minimum lot width, lot minimum lot area and zoning lot coverage requirements. There is an existing single family dwelling and duplex on the parcel, they are adding a four-plex to.

Schroeder noted that the drainage will be looked at with the site plan and building permit application.

Motion by Osterloo, seconded by Sonne to recommend approval of the conditional use. Roll call vote: Genzlinger – aye, Jirsa – absent, Larson – aye, Osterloo – aye, Penney – absent, Schmitz – absent, Sonne – aye. 4 aye, 0 nay, 3 absent; motion carried.

#### **9. Variance: Gold Key Properties LLC-705 S Davison St.**

Gold Key Properties LLC has applied for a variance in minimum front and rear yard setback of 22' vs 25' for construction of a four-plex with attached garages located at 705 S Davison St, legally described as Lots 54-56 of Overlook Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned Medium Density Family Residential District (R3).

Jenniges explained notices were sent out to the neighbors and it was published in the official newspaper with one response received in favor that did not make the packet but had no comments with it. Most of the discussion was with the previous item on the agenda. The applicant was present to answer questions.

Jenniges also noted the duplex to the south was granted a front yard variance previously this year for 23' vs 25' setback. The pictures of the duplex were shown that this four plex will look similar to.

Genzlinger questioned if the the four plex could be built without the variance? Jenniges explained it would be 6' total for the structure that would have to be eliminated and each main area only is 24' in depth to begin with so that would be reduced to 21'. The applicant noted they are also only using a 1' overhang.

Motion by Genzlinger, seconded by Osterloo to recommend approval of the variance permit. Roll call vote: Genzlinger – aye, Jirsa – absent, Larson – aye, Osterloo – aye, Penney – absent, Schmitz – absent, Sonne – aye. 4 aye, 0 nay, 3 absent; motion carried.

#### **10. Hearing And Recommendation: An Ordinance Amending 10-9B-3, Woodland Heights Planned Development District.**

Ethan Coop Lumber is requesting Lot 1, Block 5 of Woodland Heights Planned Development District be removed from 10-9B-3 Subarea B and be added to 10-9B-3 Subarea C. The owner wishes to allow a duplex

*be built on this location.*

*Jenniges explained notices were sent out to the neighbors and it was published in the official newspaper with one response received in favor and one response opposed. Since the packet has been made there were two more responses received against, one with no comment and one that stated there are other lots in the area that can have duplexes built on them so this should not be rezoned. The applicant was not present to answer questions.*

*Osterloo noted there are other duplexes with in a block of this location and that times have changed since it was originally zoned by the the developer.*

*Motion by Osterloo, seconded by Sonne to recommend approval of the rezone. Roll call vote: Genzlinger – aye, Jirsa – absent, Larson – aye, Osterloo – aye, Penney – absent, Schmitz – absent, Sonne – aye. 4 aye, 0 nay, 3 absent; motion carried.*

**11. Plan Approval-Western Building Parking-NW Corner Of 3rd And Main.**

*Jenniges explained this is the parking facility for the Western Building to the south. This is zoned Central Business. The applicant was present to answer questions.*

*Don Dahl representing John Adamo stated there are about 60 apartments near the intersection this parking facility will be used for.*

*Larson questioned if this would be private parking which was answered yes.*

*Schroeder questioned if there would be access from the alley to the west which was answered no. The applicant feels the alley is to tight for that so access will be from 3rd Ave.*

*Doescher questioned if it will be signed for private parking which was answered yes. The applicant stated there will be tags issued to the renters of the apartments, it will not be a gated parking lot with a code.*

*Genzlinger stated it was designed with a visual buffer of the trees/grass/benches so it's not just an asphalt parking lot. Schroeder noted the city approved of the parking facility and it's features*

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

**12. Other Business:**

*None.*

**13. 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.**

*None.*

**14. Adjournment:**

*Chairperson Larson adjourned the meeting at 12:25 P.M.*