

**CITY OF MITCHELL
CITY PLANNING COMMISSION MINUTES
July 9, 2018**

NOT APPROVED

Chairman Larson called the July 9, 2018 City Planning Commission meeting to order at 12:00 pm in the Council Chambers of City Hall, 612 N Main St, Mitchell, SD.

The chairman welcomed the newest member Jon Osterloo.

Members Present: Larson, Jirsa, Molumby, Osterloo, and Quenzer

Members absent: Fergen & Allen

Election of Chairman for July 1, 2018 to July 1, 2019: Motion by Molumby, seconded by Quenzer to nominate Jay Larson to serve as chairman for the new term and that a unanimous ballot be cast. All members present voting aye, motion carried.

Election of Vice-Chairman for July 1, 2018 to July 1, 2019: Motion by Quenzer, seconded by Osterloo to nominate Doug Molumby to serve as vice-chairman for the new term and that a unanimous ballot be cast. All members present voting aye, motion carried.

Approval of Agenda: Motion by Molumby, seconded by Jirsa to approve the agenda as presented. All members present voting aye, motion carried.

No conflicts of interest were declared.

Approval of Minutes: Motion by Quenzer, seconded by Jirsa to approve the minutes of June 25, 2018 meeting. All members present voting aye, motion carried.

Schedule Next Meeting: Motion by Molumby, seconded by Jirsa to schedule the next meeting for July 23, 2018. All members present voting aye, motion carried.

Plat: A Plat of Lot 13, Block 4 of the Woods First Addition, A Subdivision of the East ½ of the SW ¼ of Section 23, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. This appears to be following the master plan. Putnam noted there is a change in the side easements of 3 feet instead of 5 feet. Motion by Jirsa, seconded by Molumby to approve the plat. All members present voting aye, motion carried.

Plat: A Plat of Lot 21, Block 9 of CJM Second Addition in the West ½ of Section 32, T 104 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. Chuck Mauszycki, Sr. indicated an adjacent property owner is purchasing this parcel. Motion by Jirsa, seconded by Osterloo to approve the plat. All members present voting aye, motion carried.

Plat: A Plat of Lot 3A, Block 1A of CJM Second Addition, A Portion of Previously Platted Block 1A of CJM Second Addition in the NW ¼ of Section 32, and a Portion of Previously Platted Irregular Tract No. 3 in the SW ¼ of Section 32, All in T 104 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. This is the same situation as the previous plat. Motion by Jirsa, seconded by Molumby to approve the plat. All members present voting aye, motion carried.

Plat: A Plat of Lot O, A Subdivision of Previously Platted Lot S of Maui Farms Second Addition, City of Mitchell, Davison County, South Dakota. Motion by Molumby, seconded by Osterloo to approve the plat. All members present voting aye, motion carried.

Plat: A Plat of Lots A and B of Mason's Addition in the West ½ of the NE ¼ of Section 17, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota. It was noted the proposed driveways are to be installed in accordance to previous discussion of the commission and desires of the county. Motion by Molumby, seconded by Jirsa to approve the plat. All members present voting aye, motion carried.

Plat: Plat of Lot 5 in Tract H, Wild Oak Golf Club Addition to City of Mitchell, Davison County, South Dakota. This lot will be used to construct a MTI house. Motion by Jirsa, seconded by Osterloo to approve the plat. All members present voting aye, motion carried.

Variance: Boyd Reimnitz has applied for a front yard variance of 20 feet vs 25 feet as required and a back yard variance of 18 feet vs 25 feet as required to construct a single family house on the property legally described as the W 56' of Outlot #7A SW ¼ of Section 15, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. The property is zoned R2 Single Family Residential District.

The applicant was not present. The commission reviewed the written objections that were received. The public notice was published on June 28, 2018 in the Mitchell Daily Republic. Letters to the neighboring property owners were sent on June 27, 2018. Putnam provided the commission the distance requirements that Northwestern Energy would like from its facilities. Johnson added that a city water line is on the west side of this property. Commissioners noted the number of objections from the neighbors and vicinity to various utilities. Motion by Quenzer, seconded by Molumby to recommend the Board of Adjustment deny this application. All members voting no, motion carried.

Variance: Darlene Buhler has applied for a sideyard variance of 1-foot vs 3 feet as required to construct a detached garage at 508 E 6th Ave, legally described as Lot 9 & E 10 feet of Lot 8, Block 5, Burr's Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R2 Single Family Residential District.

The owner and contractor Tyler Miiller was present to answer questions. The commission reviewed written comments from the neighboring property owners. The public notice was published in the *Mitchell Daily Republic* on June 29, 2018 and letters to the neighboring property owners were sent on June 27, 2018. The owner would like to preserve the view of windows in the rear of the house and retain more property for a back yard. The new neighbor to the west is agreeable and supports the variance request. Miiller indicated the garage will be 6' from the house. Putnam reminded the commission that in the past the city has required a maintenance agreement from the neighbor. Miiller was asked about drainage and he responded that water will come off east and west and he will install gutters to direct the water to the alley. Hegg said there may be a requirement to install a fire wall and have no penetration on the west wall. Motion by Jirsa seconded by Molumby (he stated the 2nd is only for the purpose to insure the applicant have a vote) to recommend approval of the variance to the

Board of Adjustment with three stipulations; 1) gutters be installed and run-off be directed to the alley, 2) a 3 feet maintenance agreement be signed and recorded on the west property, 3) A fire wall or other requirements per building code. Roll call vote: Quenzer no, Jirsa yes, Osterloo no, Molumby no, Larson yes, Fergen absent. 2 yes, 3 no, 1 absent, the motion lost.

Conditional Use Permit: Tammy Miiller has applied for a conditional use permit to operate a family residential child care center in her home at 506 W Birch Ave, legally described as Lot 6, Block 12, Railroad Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R2 Single Family Residential District.

The applicant was not present. No written objections were received. The public notice was published in the *Mitchell Daily Republic* on June 27 & July 5, 2018 and letters to the neighboring property owners were mailed on June 27, 2018. The applicant has passed a fire inspection. Motion by Molumby, seconded by Osterloo to recommend the Board of Adjustment approve the conditional use with two conditions; 1) the permit is non-transferable, 2) if the business stops for a period of six-months or longer then a new permit is required. All members present voting aye, motion carried.

Conditional Use Permit: Dustin & Nichole Sullivan have made an application for a conditional use permit to construct a facility to provide outside commercial storage, outside storage, and a self-service storage facility on their property locate at 40822 256th St, legally described as Lot 6, Kangas Addition, SW ¼ of Section 31, T 103 N, R 60 W, Davison County, South Dakota.

The applicants were present to answer questions. The commission reviewed the written comments. The public notice was published in the *Mitchell Daily Republic* on June 27 & July 5, 2018 and letters to the neighboring were sent on June 27, 2018. Putnam reminded the commission that the council approved amending the zoning code to provide such uses as a conditional use in the UD Urban Development District. The commission inquired about drainage. The applicant indicated the runoff will be directed to the north. The applicant said that Spencer Quarries has commenced gravel mining on the property to the north. It was noted the Semmler property opposes the permit. Motion by Jirsa, seconded by Osterloo to recommend the Board of Adjustment approve the conditional use permit with the condition the drainage be routed north. Roll Call vote; Larson yes, Jirsa yes, Molumby yes, Osterloo yes, Quenzer no. Motion passes 4 yes 1 no 1 absent.

Plan Approval: Klockwerks Addition, 915 S Kimball, Zoned Highway Oriented Business District. Representatives of Klockwerks were available to answer questions about the project. Klockwerks would like to remove the 'truck box' on west side of the building and construct a 24 X 24 addition. The commission discussed the drainage in the area. Motion by Jirsa, seconded by Molumby to approve the plan. All members present voting aye, motion carried.

Discussion/Action: Proposed EMC Billboard in Westwood Addition, Highway By-Pass.

Chuck Mauszycki Sr. and Christine Mauszycki of CJM Consulting presented to the commission a proposal to install a 10 x 30 Digital Electronic Message Center Billboard on the west side of the Highway 37 By-Pass. The property is zoned Highway Oriented Business District (HB). Representatives of Daktronics were also available to provide answer questions of the commission. Putnam provided the commission highlights of the sign ordinance that says these type of signs must meet has size and height requirements and shall be 300 feet from the property line of a park and schools. It appears this proposal would comply with the existing ordinances. However, when the by-pass was installed in 1994, the city

had an 'understanding' that billboards would not be on the new highway. In 2000, a request for installation of billboards was denied. Putnam reminded the commission that this road is also a state highway and may be subject to state regulations and laws. CJM Consulting provided the commission a summary of the existing development along with proposed additional projects. Don Petersen, Attorney for CJM Consulting, also provided some additional comments in support of this proposal and noted that much has changed in the area since the installation of the by-pass. Roger Brown of Daktronics talked about the technology of the signs, specifically about the timing of between messaging and automatically adjustments due to outdoor conditions. It was suggested by the commission that amendments to the sign code be adopted to control the spacing and other controls to prevent undesirable 'clutter' on this road. CJM Consulting, seemed receptive to such proposals. City Attorney Johnson stated that no further action would be necessary from the commission on this topic and that following the sign permit process would be sufficient. It was suggested that the proposed site be measured to insure compliance. No action taken by the commission.

Chairman Larson adjourned the meeting at 1:10 pm.

Chairman

Date