

CITY PLANNING COMMISSION AGENDA
CITY COUNCIL CHAMBERS
612 N. MAIN ST, MITCHELL, SD 57301
DATE: SEPTEMBER 26, 2016

1. TIME: 12:00 PM NOON
2. CALL TO ORDER:
3. ROLL CALL:
4. APPROVE AGENDA:
5. APPROVAL OF MINUTES: September 12, 2016

Documents:

[9122016MINUTESNOTAPPROVED.PDF](#)

6. SCHEDULE NEXT MEETING: October 11, 2016 TUESDAY

7. Plat:

A Plat of Lot D-1, A Subdivision of Lot D in the SE 1/4 of Section 3, T 102 N, R 60 W of the 5th P.M., Davison County, South Dakota

Documents:

[PLATD1.PDF](#)

8. REZONE And CODE AMENDMENT

REZONING: Lots 1 thru 9, Block 5, MLC Addition in NE 1/4 of SW 1/4 of Section 28, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison, SD. From R2 to Planned Unit Development District known as Mueller Lumber Morningview Subdivision. And amending the existing PUD District.

Documents:

[MUELLERORDREVIEW.PDF](#)
[MLCADDREZONEAMDT2.PDF](#)

9. Discussion Only: Zoning District Amendment

Amendment to the Woodland Heights Planned Development District (Ethan Lumber Coop)

Documents:

[WOODLANDHEIGHTS.PDF](#)

10. Discussion Only: Possible Rezoning Of City Owned Properties

Discussion of rezoning various city owned properties.

Documents:

[CITYZONINGMAPS.PDF](#)

11. OTHER BUSINESS:

12. ADJOURNMENT:

"The City of Mitchell invites all interested parties to give oral or written comments. If special accommodations are required, please notify the Public Works Department at 605-995-8433 at least 24 hour prior to the scheduled meeting."

**CITY OF MITCHELL
CITY PLANNING COMMISSION
MINUTES, September 12, 2016**

NOT APPROVED

Call to Order: Chairman Larson called the September 12, 2016 City Planning Commission meeting to order at 12:00 pm in the Council Chambers, City Hall, Mitchell, SD.

Members Present: Larson, Everson, Griffith, Meyers, Molumby, Schmucker, and Allen

Members Absent: Fergen

Others Present: Mayor Toomey, Justin Johnson, Terry Johnson, Lyndon Overweg, John Hegg, Stephanie Ellwein, and Neil Putnam

Agenda: Motion by Everson, seconded by Griffith to approve the September 12, 2016 as presented. All members present voting aye, motion carried.

Minutes: Motion by Molumby, seconded by Everson to approve the minutes of the August 22, 2016 meeting. All members present voting aye, motion carried.

Next Meeting: Motion by Everson, seconded by Griffith to schedule the next meeting for September 26, 2016. All members present voting aye, motion carried.

Variance: Shane Snyder has made an application for a backyard variance of 2 ft vs 25' feet and a sideyard variance of 2' vs 3' as required for construction of two attached garages at his property legally described as S 82' of Lots 11 & 12, Block 14, Rowley's 2nd Addition, City of Mitchell, Davison County, South Dakota (503 N. Duff St). Zoned R4.

The public notice was published in the *Mitchell Daily Republic* on September 2, 2016 and letters to the neighboring property owners were sent September 1, 2016.

Mr. Snyder was present to answer questions and provide testimony in regards to his application. He stated that he has removed an older garage that was in need of repair. The property has been a duplex since the 1940s' and he said that in order to remain competitive in the rental business, garages are necessary. He was aware of his neighbor to north concern about drainage. He will route the water to the streets and award from the residences. The applicant provided the commission an explanation about his stairwells and why he is limited to space. He also said the location of his utilities also limits his option.

Margaret Spensley (neighbor to north) was present. She stated that Mr. Snyder and her have talked about drainage. She asked about the location of the building from her fence. Snyder responded about "54 inches".

Meyers noted the unique situation with this historic home, therefore he can understand the hardship.

Motion by Meyers, seconded by Molumby to recommend the variance be approved with the condition the drainage be reverted appropriately and according to the applicant's representation. Roll Call: Larson aye, Meyers aye, Molumby aye, Griffith aye, Everson no, Schmucker no 4 ayes 2 no; motion carried.

Plan Approval: American Family Insurance, 708 N. Sanborn Blvd (HB & TWC Districts). The commission reviewed the submitted material and asked some questions. Hegg informed the commission about the location of utility lines that prevent posts being placed in the ground. Motion by Molumby, seconded by Griffith approve the plans. All members present voting aye, motion carried.

Plan Approval: Justin Thiesse presented plans for construction of garage buildings at his apartment complex located at 1701 N Main Street, zoned HB. His plan indicated the location of various utility lines. He told the commission about a 50' easement that is on his northern border and is his only entrance. Motion by Everson, seconded by Griffith to approve the building plans. All members present voting aye, motion carried.

Planned Development Amendment: (Discussion Only). Bob Mueller of Mueller Lumber Co, was present to talk about an amendment to the PUD known as Mueller Lumber Morningview Subdivision. The amendment rezones 9 lots, which he recently acquired from R2 to the PUD and he is proposing some construction standards be part of his district. He mentioned having the proposed standards in the ordinance to protect his development and provides more control by the building department. The commission will hold a hearing on the amendment at their next meeting. No action taken.

Planned Development Amendment (Discussion Only): Woodland Heights Planned Development (Ethan Lumber) would like some amendments to their PUD. Representatives of Ethan Lumber were not present. Putnam explained the draft ordinance, which proposes to change the lot dimensions and square footage standards in Subarea A and Subarea C. The commission has some reservations and would like Ethan Lumber to come to the next meeting to discuss this proposed amendment. No action taken.

Plat: Lot 12 & 13 in the Replat of Tract A Wild Oak Golf Club Addition to the City of Mitchell, Davison County, SD. Putnam indicated this follows the master plan and noted the cart path is platted as a separate parcel. Motion by Everson, seconded by Molumby to approve the plat. All members present voting aye, motion carried.

Plat: A Plat of Portions of Block 2, Block 3, Block 7, Block 8 and Block 9 of CJM Second Addition, and portions of Michael Avenue, Livesay Lane and Jamaica Street, All in the NW ¼ of Section 32, T 104 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, SD. This plat was reviewed by the city planning commission and city council before; however, since that time the property was annexed by a footage description. This plat is to identify the blocks when the lots get platted in the future. Motion by Molumby, seconded by Everson to approve the plat. All members present voting aye, motion carried.

Plat: A Plat of Lot 8 of CJM Second Addition in the NW ¼ of Section 32, T 104 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, SD. The lot appears to follow the master plan. Motion by Everson, seconded by Griffith to approve the plat. All members present voting aye, motion carried.

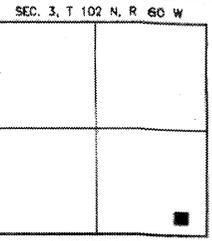
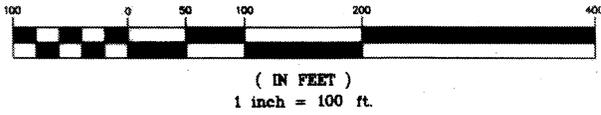
Plat: A Plat of Lot X-1, Square 19, A Subdivision of Portions of Lot X of Square 19 and the West ½ of Vacated South Lawler Street, All in Weaver's Squares, City of Mitchell, Davison County, SD. This is to accommodate the identification of new apartments being constructed with TIF # 22. Motion by Molumby, seconded by Griffith to approve the plat. All members present voting aye, motion carried.

Chairman Larson adjourned the meeting at 12:45 pm.

Chairman

Date

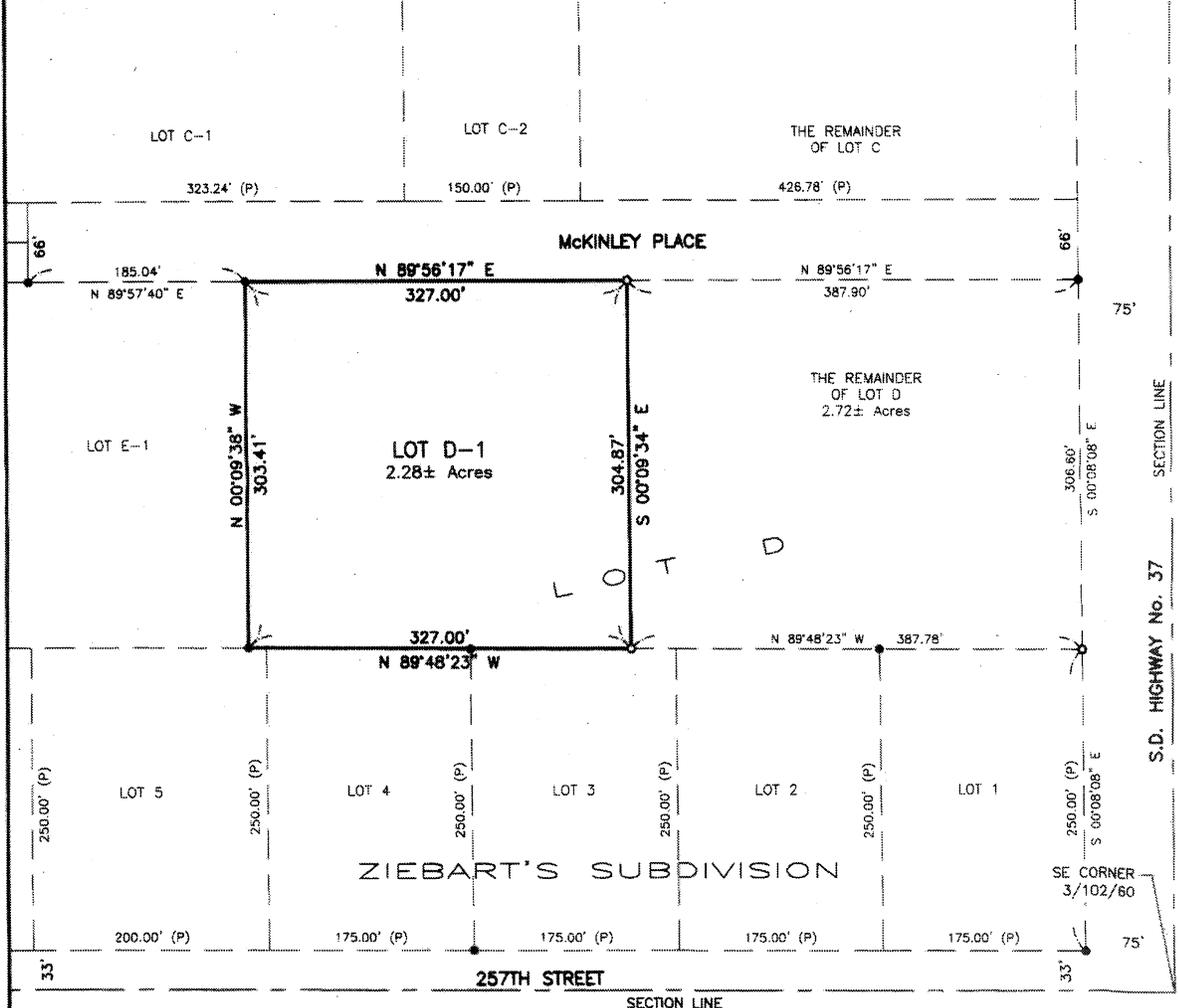
GRAPHIC SCALE



- LEGEND**
- = FOUND IRON MONUMENT 1/2" OD PIPE
 - = SET 3/8" X 18" REBAR WITH PLASTIC CAP NO. 6702
 - 100' (P) = PLATTED BEARING OR DISTANCE
 - 100' = MEASURED BEARING OR DISTANCE
 - = SET NAIL
 - ▲ = SET SURVEY SPIKE
 - 4.00 CH (P) = PLATTED DISTANCE IN CHAINS
 - = FOUND NAIL
 - ◇ = SET 3/8" X 12" SPIKE W/WASHER P.N.-6702
 - WM = WITNESS MONUMENT

PREPARED BY: PAUL J. REILAND, R.L.S.
 2100 NORTH SANBORN BLVD. - P.O. BOX 398
 MITCHELL, SOUTH DAKOTA 57301
 PHONE: (605) 996-7761

BEARINGS ARE BASED ON AN ASSUMED COORDINATE SYSTEM USING GPS ORB BEARINGS/ORB DISTANCES



A PLAT OF LOT D-1, A SUBDIVISION OF LOT D IN THE SE 1/4 OF SECTION 3, T 102 N, R 60 W OF THE 5th P.M., DAVISON COUNTY, SOUTH DAKOTA.

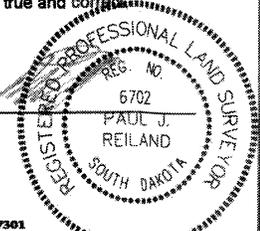
SURVEYOR'S CERTIFICATE

I, Paul J. Reiland, the undersigned, do hereby certify that I am a Registered Land Surveyor in and for the State of South Dakota. At the request of Jerald Jorgenson and Mary Jorgenson, and under their direction for purposes indicated therein, I did on or prior to September 12, 2016, survey those parcels of land described as follows: LOT D-1, A SUBDIVISION OF LOT D IN THE SE 1/4 OF SECTION 3, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA

In my professional opinion and to the best of my knowledge, information and belief, the within and foregoing plat is true and correct.

Dated this 15TH day of September, 2016.

Paul J. Reiland
 Registered Land Surveyor #SD6702



A PLAT OF LOT D-1, A SUBDIVISION OF LOT D IN THE SE 1/4 OF SECTION 3, T 102 N, R 60 W OF THE 5th P.M., DAVISON COUNTY, SOUTH DAKOTA.

OWNER'S CERTIFICATE, DEDICATION AND AGREEMENT OF PROTECTION OF WATER

KNOW ALL MEN BY THESE PRESENTS that we, the undersigned, hereby certify we are the absolute and unqualified owners of all of the land included in the within and foregoing plat; the plat is of a parcel of ground located in LOT D IN THE SE 1/4 OF SECTION 3, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA; that the plat has been made at our request and under our direction for the purposes indicated therein; which said property as so surveyed and platted shall hereafter be known as LOT D-1, A SUBDIVISION OF LOT D IN THE SE 1/4 OF SECTION 3, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, as shown by this plat; and we hereby dedicate to the public, for public use forever as such, the streets and alleys, if any, as shown and marked on said plat; and that development of the land included within the boundaries of said Lot D-1 shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations; further that there now exists McKinley Place. Pursuant to SDCL 11-3-8.1 and 11-3-8.2 the developer of the property described within this plat shall be responsible for protecting any waters of the state located adjacent to or within such platted area from pollution from sewage from such subdivision and shall, in prosecution of such protections conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same. Additionally the developer of the property described within this plat shall be liable for any pollution that occurs from failure to execute such protections or follow such regulations, exception being those lots in subdivisions that show documentation that wastewater drainage shall be connected to a municipal system.

IN WITNESS WHEREOF, we have hereunto set our hands this _____ day of _____, 2016.

Jerald Jorgenson

Mary Jorgenson

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF DAVISON)

On this, the _____ day of _____, 2016, before me, _____, the undersigned officer, personally appeared Jerald Jorgenson and Mary Jorgenson, known to me or satisfactorily proven to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same for the purposes therein contained.

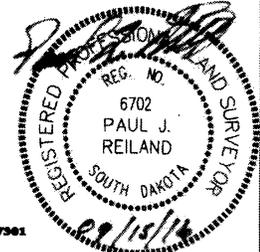
IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public, South Dakota
My Commission Expires: _____

RESOLUTION OF CITY PLANNING COMMISSION

WHEREAS, the plat of LOT D-1, A SUBDIVISION OF LOT D IN THE SE 1/4 OF SECTION 3, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul J. Reiland, duly licensed Land Surveyor in and for the State of South Dakota, heretofore filed in the office of the City Finance Officer of Mitchell, South Dakota, has been submitted to the City Planning Commission of the said City of Mitchell, South Dakota; and WHEREAS, the City Planning Commission, in regular meeting assembled, had duly considered said plat and finds as a fact that said plat is in conformity and does not conflict with the Master Plan for the City of Mitchell, South Dakota, heretofore adopted by this Commission; NOW THEREFORE, be it resolved by the City Planning Commission of Mitchell, South Dakota, that the plat of LOT D-1, A SUBDIVISION OF LOT D IN THE SE 1/4 OF SECTION 3, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul J. Reiland, a Land Surveyor, be and the same is hereby approved and its adoption by the City Council of the City of Mitchell, South Dakota, is hereby recommended. I, _____, Chairman of the City Planning Commission for the City of Mitchell, South Dakota, do hereby certify that the foregoing resolution was passed by the City Planning Commission of Mitchell, South Dakota, at a meeting thereof held on the _____ day of _____, 2016.

CITY PLANNING COMMISSION --- BY: _____



A PLAT OF LOT D-1, A SUBDIVISION OF LOT D IN THE SE 1/4 OF SECTION 3, T 102 N, R 60 W OF THE 5th P.M., DAVISON COUNTY, SOUTH DAKOTA.

RESOLUTION OF CITY COUNCIL

WHEREAS, it appears that the City Planning Commission of the City of Mitchell, South Dakota, did duly consider and did recommend the approval and adoption of the hereinafter described plat, at its meeting held on the _____ day of _____, 2016; and

WHEREAS, it appears from an examination of the plat of LOT D-1, A SUBDIVISION OF LOT D IN THE SE 1/4 OF SECTION 3, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, as prepared by Paul J. Reiland, a duly licensed Land Surveyor in and for the State of South Dakota, that said plat is in accordance with the system of streets and alleys set forth in the Master Plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota, that the plat of LOT D-1, A SUBDIVISION OF LOT D IN THE SE 1/4 OF SECTION 3, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul J. Reiland, be and the same is hereby approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

I, _____, Finance Officer of the City of Mitchell, South Dakota, hereby certify that the foregoing resolution was passed by the City of Mitchell, South Dakota, at a meeting held on the _____ day of _____, 2016.

FINANCE OFFICER --- BY: _____

RESOLUTION OF COUNTY PLANNING COMMISSION

WHEREAS, the plat of LOT D-1, A SUBDIVISION OF LOT D IN THE SE 1/4 OF SECTION 3, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul J. Reiland, duly licensed Land Surveyor in and for the State of South Dakota, heretofore filed in the office of the County Auditor of Davison County, South Dakota, has been submitted to the County Planning Commission of the said County of Davison, South Dakota; and

WHEREAS, the County Planning Commission, in regular meeting assembled, had duly considered said plat and finds as a fact that said plat is in conformity and does not conflict with the Master Plan for the County of Davison, South Dakota, heretofore adopted by this Commission;

NOW THEREFORE, be it resolved by the County Planning Commission of Davison County, South Dakota, that the plat of LOT D-1, A SUBDIVISION OF LOT D IN THE SE 1/4 OF SECTION 3, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul J. Reiland, a Land Surveyor, be and the same is hereby approved and its adoption by the Board of Commissioners of the County of Davison, South Dakota, is hereby recommended.

I, _____, of the County Planning Commission for the County of Davison, South Dakota, do hereby certify that the foregoing resolution was passed by the County Planning Commission of Davison County, South Dakota, at a meeting thereof held on the _____ day of _____, 2016.

COUNTY PLANNING COMMISSION --- BY: _____

RESOLUTION BY BOARD OF COUNTY COMMISSIONERS

Be it resolved by the Board of County Commissioners of Davison County, South Dakota, that the plat of LOT D-1, A SUBDIVISION OF LOT D IN THE SE 1/4 OF SECTION 3, T 102 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, which has been submitted for examination pursuant to law, is hereby approved and the County Auditor is hereby authorized and directed to endorse on such plat a copy of this Resolution and certify the same.

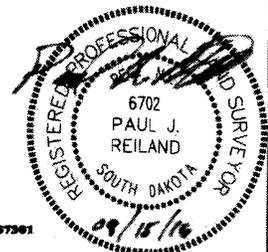
Dated this _____ day of _____, 2016.

Chairperson, Board of County Commissioners
Davison County

AUDITOR'S CERTIFICATE

I, _____, do hereby certify that I am the duly elected, qualified, and acting County Auditor of Davison County, South Dakota, and that the above resolution was adopted by the Board of County Commissioners of Davison County, South Dakota, at a regular meeting held on _____, 2016, approving the above named plat.

Auditor, Davison County



& Associates
Engineers, Planners and Surveyors
2100 North Sunburn Blvd. - P.O. Box 598 Mitchell, South Dakota 57301
Phone: (605) 994-7761 Fax: (605) 994-0015

ORDINANCE NO.

AN ORDINANCE CHANGING THE DISTRICT CLASSIFICATION OF LOTS 1, 2, 3, 4, 5, 6, 7, 8 AND 9, BLOCK 5, MLC ADDITION, IN THE NE ¼ OF THE SW ¼ OF SECTION 28, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA FROM SINGLE FAMILY RESIDENTIAL DISTRICT (R2) TO THE PLANNED UNIT DEVELOPMENT DISTRICT (PD) KNOWN AS MUELLER LUMBER MORNINGVIEW SUBDIVISION AND AMENDING ORDINANCE NO. 2430 THAT PREVIOUSLY ESTABLISHED THE PLANNED UNIT DEVELOPMENT DISTRICT KNOWN AS MUELLER LUMBER MORNINGVIEW SUBDIVISION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA:

Section 1. The following real property legally described as Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, Block 5, MLC Addition, in the NE ¼ of the SW ¼ of Section 28, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota to be changed from Single Family Residential District (R2) to the Planned Unit Development District (PD) known as the Mueller Lumber Morningview Subdivision and to be identified as Subarea C in the exhibit hereto attached to this ordinance.

Section 2. Notwithstanding Ordinance No. 2430, the following is an amendment to the Planned Unit Development District (PD) known as the Mueller Lumber Morningview Subdivision

10-9F-4 Supplemental Regulations:

- A. No structure shall be permitted to be constructed with a post from method of square or round poles in the ground (commonly known as 'pole barns').
- B. No structure shall be permitted to be finished on the exterior roof or walls with light gauge metal panels, vertical or horizontal, galvanized or colored metal.
- C. All accessory buildings shall have the same exterior finish as the principal residence. If the principal residence is masonry brick, stone or stucco, the accessory building may use wood or vinyl siding on the walls in lieu of masonry brick, stone or stucco.

Section 3. The district classifications of the real property legally described in this ordinance is hereafter to be changed and the official map is to reflect the new district classification.

Section 4. The City Finance Officer shall publish notice of this ordinance and the same shall become effective 20 days after the completed publication thereof, unless the referendum shall be invoked as provided by law.

Passed and approved this ____ day of _____, 2016.

Mayor

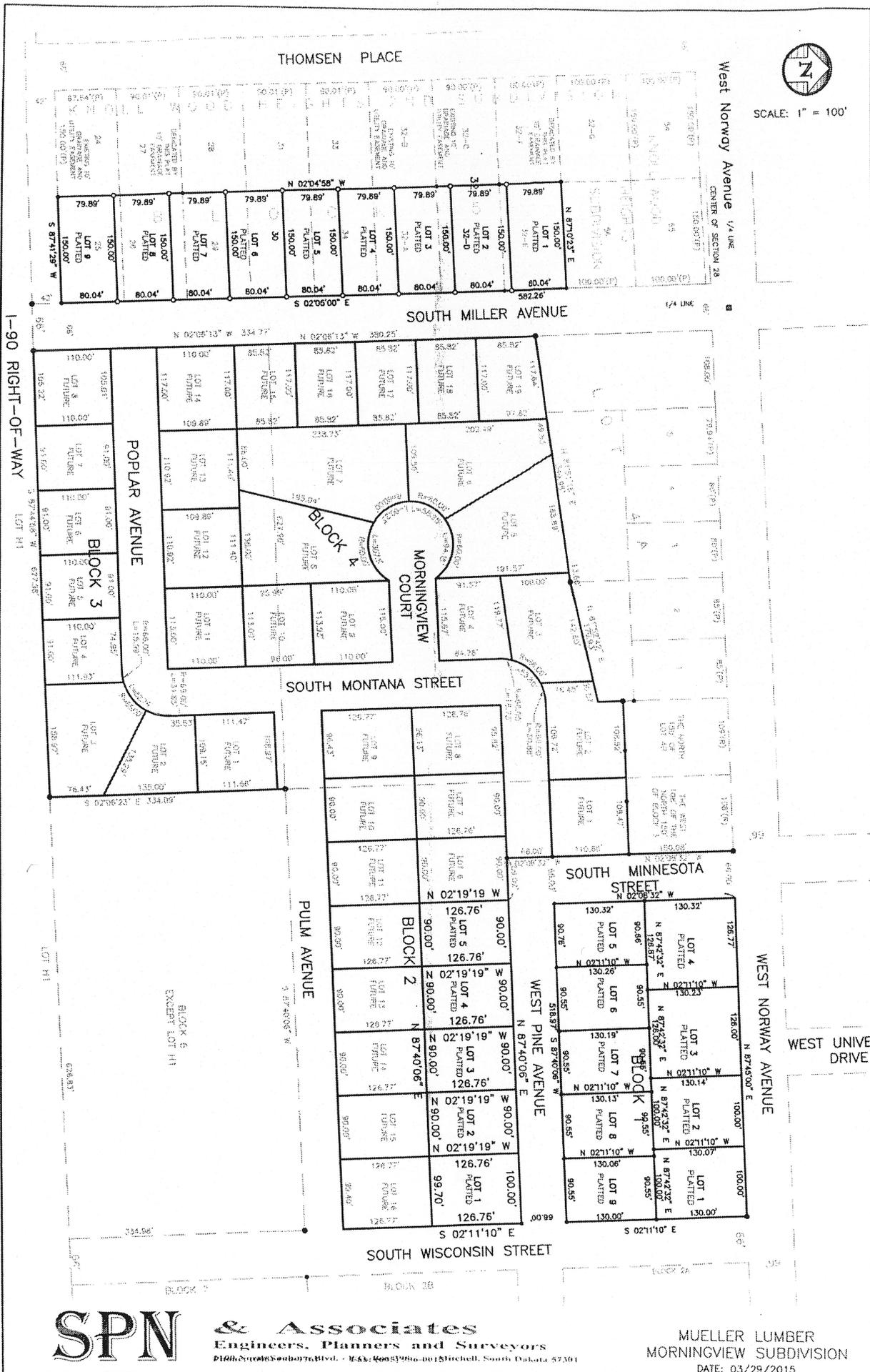
Attest:

Finance Officer

First Reading
Second Reading
Adoption



SCALE: 1" = 100'



SPN

& Associates
 Engineers, Planners and Surveyors
 1160 S. State Street, Suite 100 • FAX: 605/396-0011 • Mitchell, South Dakota 57301

MUELLER LUMBER
 MORNINGVIEW SUBDIVISION
 DATE: 03/29/2015

ORDINANCE NO. 2430

AN ORDINANCE AMENDING THE CITY OF MITCHELL ZONING CODE (TITLE TEN), CHAPTER NINE, ARTICLE F, CHANGING THE DISTRICT CLASSIFICATIONS OF THE REAL PROPERTY BLOCK THREE (3), EXCEPT THE WEST 108 FEET OF THE NORTH 150 FEET THEREOF; LOT 4B, EXCEPT THE NORTH 150 FEET THEREOF BLOCK FOUR, MORNINGVIEW ADDITION, CITY OF MITCHELL, DAVISON, SOUTH DAKOTA FROM SINGLE FAMILY RESIDENTIAL (R2) DISTRICT TO A PLANNED UNIT DEVELOPMENT (PD) KNOWN AS MUELLER LUMBER MORNINGVIEW SUBDIVISION AND BLOCK FIVE, EXCEPT LOT H1 THEREOF, MORNINGVIEW ADDITION, CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA FROM TRANSPORTATION, WAREHOUSING, AND COMMERCIAL (TWC) DISTRICT TO A PLANNED UNIT DEVELOPMENT (PD) KNOWN AS MUELLER LUMBER MORNINGVIEW SUBDIVISION, CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

BE IT ORDAINED BY THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA:

Section 1. That the following real property's district classification legally described by Block 3, Except the West 150 feet of the North 150 feet thereof; Lot 4B Except the North 150 feet thereof, Block Four, Morningview Addition, City of Mitchell, Davison County, South Dakota be changed from Single Family Residential (R2) District to a Planned Unit Development (PD) known as Mueller Lumber Morningview Subdivision.

Section 2. That the following real property's district classification legally described by Block 5, except Lot H1 thereof, Morningview Addition, City of Mitchell, Davison County, South Dakota be changed from Transportation, Warehousing, and Commercial (TWC) District to a Planned Unit Development (PD) known as Mueller Lumber Morningview Subdivision.

- A. Purpose: This Planned Development District is intended residential opportunities and provide for a variety of densities which provide the efficient and diverse utilization of land.
- B. Scope: The regulations in this ordinance or set forth elsewhere in the City of Mitchell Zoning Code when referred to in this ordinance are the district regulations that shall be governed by the Mueller Lumber Morningview Subdivision.

Sub Area A. As reference in the Exhibit hereto attached to this ordinance:

- A. Permitted Uses:
 - 1. Single Family Dwellings
 - 2. Two Family Dwellings
 - 3. Open Spaces
 - 4. Parks and Playgrounds
- B. Conditional Uses:
 - 1. Residential Care
 - 2. Family Residential Care
 - 3. Family Residential Day Care
- C. Accessory Uses:

1. Accessory Buildings for Permitted and Conditional Uses
 2. Home Occupations, unless the criteria set forth in 10-5G-2 is not met. Note 10-5G-3A.
- D. Parking Regulations:
1. Parking within the Planned Development shall comply with the City of Mitchell Zoning Code.
- E. Sign Regulations:
1. The placement and installation of signs shall comply with Title 9, City of Mitchell Municipal Code.
- F. Maximum Building Height:
1. No principal building shall exceed two and one half stories or 35 feet in height.
 2. No accessory building shall exceed 20 feet in height
- G. Maximum Coverage:
1. No more than Forty-five percent (45%) of the zoning lot area shall be covered with structures.
 2. No accessory building shall exceed 1,250 square feet in area.
- H. Minimum Lot Area and Width:
1. The minimum zoning lot area shall be no less than 10,000 square feet and a minimum zoning lot width of 85 feet.
- I. Minimum Yard Requirements:
1. Front Yard 25 feet, Back Yard 25 feet, Side Yard 8 feet, Side Yard on a Corner 15 feet

Sub Area B As reference in the Exhibit hereto attached to this ordinance:

- A. Permitted Uses:
1. Single Family Dwellings
 2. Two Family Dwellings
 3. Open Spaces
 4. Parks and Playgrounds
- B. Conditional Uses:
1. Residential Care
 2. Family Residential Care
 3. Family Residential Day Care
- C. Accessory Uses:
1. Accessory Buildings for Permitted and Conditional Uses
 2. Home Occupations, unless the criteria set forth in 10-5G-2 is not met. Note 10-5G-3A.
- D. Parking Regulations:
1. Parking within the Planned Development shall comply with the City of Mitchell Zoning Code.
- E. Sign Regulations:
1. The placement and installation of signs shall comply with Title 9, City of Mitchell Municipal Code.
- F. Maximum Building Height:

1. No principal building shall exceed two and one half stories or 35 feet in height.
 2. No accessory building shall exceed 20 feet in height
- G. Maximum Coverage:
1. No more than Forty-five percent (45%) of the zoning lot area shall be covered with structures.
 2. No accessory building shall exceed 1,250 square feet in area.
- H. Minimum Lot Area and Width:
1. The minimum zoning lot area shall be no less than 10,000 square feet and a minimum zoning lot width of 85 feet.
- I. Minimum Yard Requirements:
1. Front Yard 25 feet, Back Yard 25 feet, Side Yard 8 feet, Side Yard on a Corner 15 feet

Sub Area C. As reference in the Exhibit hereto attached to this ordinance:

- A. Permitted Uses:
1. Single Family Dwellings
 2. Two, Three or Four Family Dwellings
 3. Open Spaces
 4. Parks and Playgrounds
- B. Conditional Uses:
1. Residential Care
 2. Family Residential Care
 3. Family Residential Day Care
 4. Five to Twelve Family Dwellings
- C. Accessory Uses:
1. Accessory Buildings for Permitted and Conditional Uses
 2. Home Occupations, unless the criteria set forth in 10-5G-2 is not met. Note 10-5G-3A.
- D. Parking Regulations:
1. Parking within the Planned Development shall comply with the City of Mitchell Zoning Code.
- E. Sign Regulations:
1. The placement and installation of signs shall comply with Title Nine, City of Mitchell Municipal Code.
- F. Maximum Building Height:
1. No principal building shall exceed two and one half stories or 35 feet in height.
 2. No accessory building shall exceed 20 feet in height
- G. Maximum Coverage:
1. No more than Sixty (60%) of the zoning lot area shall be covered with structures.
 2. No accessory building for single family residential shall exceed 1,250 square feet in area.
 3. Accessory buildings for two or more dwellings units shall not exceed more than 400 square feet per dwelling unit.

H. Minimum Lot Area and Width:

1. The minimum zoning lot area shall be no less than 9,000 square feet and a minimum zoning lot width of 80 feet.

I. Minimum Yard Requirements:

1. Front Yard 25 feet, Back Yard 25 feet, Side Yard 8 feet, Side Yard on a Corner 15 feet

Sub Area D. As reference in the Exhibit hereto attached to this ordinance:

A. Permitted Uses:

1. Single Family Dwellings
2. Two, Three or Four Family Dwellings
3. Open Spaces
4. Parks and Playgrounds

B. Conditional Uses:

1. Residential Care
2. Family Residential Care
3. Family Residential Day Care
4. Child Care, Preschool, Nursery
5. Coffee House
6. Convenience Store
7. Personal Service Facility
8. Retail Services & Trade (Footprint of principal structures 5,000 square feet or less)
9. Student Housing (Off Campus)
10. Temporary or Shelter
11. Automotive Detailing
12. Structures constructed for the sole purpose of personal or household storage.
 - a. Retail, wholesale or commercial related activities are prohibited
 - b. Exterior walls and roofs shall be constructed with materials typically installed on single family residential properties
13. Five to Twelve Family Dwellings

C. Accessory Uses:

1. Accessory Buildings for Permitted and Conditional Uses
2. Home Occupations, unless the criteria set forth in 10-5G-2 is not met. Note 10-5G-3A.

D. Parking Regulations:

1. Parking within the Planned Development shall comply with the City of Mitchell Zoning Code.

E. Sign Regulations:

1. The placement and installation of signs shall comply with Title 9, City of Mitchell Municipal Code.

F. Maximum Building Height:

1. No principal building shall exceed three stories or 45 feet in height.
2. No accessory building shall exceed 20 feet in height

G. Maximum Coverage:

1. No more than sixty (60%) of the zoning lot area shall be covered with structures.
2. No accessory building for a single family residential dwelling shall exceed 1,250 square feet in area.
3. Accessory buildings for two or more family dwelling units shall not exceed more than 400 square feet per dwelling unit.

H. Minimum Lot Area and Width:

1. The minimum zoning lot area shall be no less than 9,000 square feet and a minimum zoning lot width of 80 feet.

I. Minimum Yard Requirements:

1. Front Yard 25 feet, Back Yard 25 feet, Side Yard 8 feet, Side Yard on a Corner 15 feet

Section 3: That district classifications of the real property described in this ordinance are hereafter to be changed on the official zoning map to reflect the new district classification.

Section 4. The City Finance Officer shall publish notice of this ordinance, and the same shall become effective 20 days after the completed publication thereof, unless the referendum shall be invoked as provided by law.

Passed and approved this the 1ST Day of April 2013.

MAYOR

ATTEST:

FINANCE OFFICER

FIRST READING MARCH 18, 2013
SECOND READING APRIL 1, 2013
ADOPTION APRIL 1, 2013

APPLICATION FOR REZONING

TO: THE MITCHELL PLANNING COMMISSION AND THE CITY COUNCIL,
THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

The undersigned applicant(s) and owner(s), Mueller Lumber Co. hereby make(s) application for rezoning Lots 1 thru 9, Block 5, MLC Addition, in the NE1/4 of the SW 1/4 of Section 28, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, SD.

This Application is for the following described real property:

Rezone the real property from R2 Single Family Residential District to Planned Unit Development District known as Mueller Lumber Morningview Subdivision.

The names and addresses of the current property owners within one hundred and forty feet (140') of the applicant's property (excluding streets and alleys) will be notified upon the filing of this application.

Applicant(s) request that dates be set for public hearings before the Mitchell Planning Commission and the Board of Adjustment. Furthermore, the applicant requests the City of Mitchell to publish the appropriate notice(s) in accordance with the City of Mitchell's Ordinances.

Dated this 19th of Sept., 2016.

Mueller Lumber Co.
APPLICANT

Robert W. Mueller President
OWNER



SCALE: 1" = 100'

THOMSEN PLACE

West Norway Avenue 1/4 LINE
CENTER OF SECTION 28

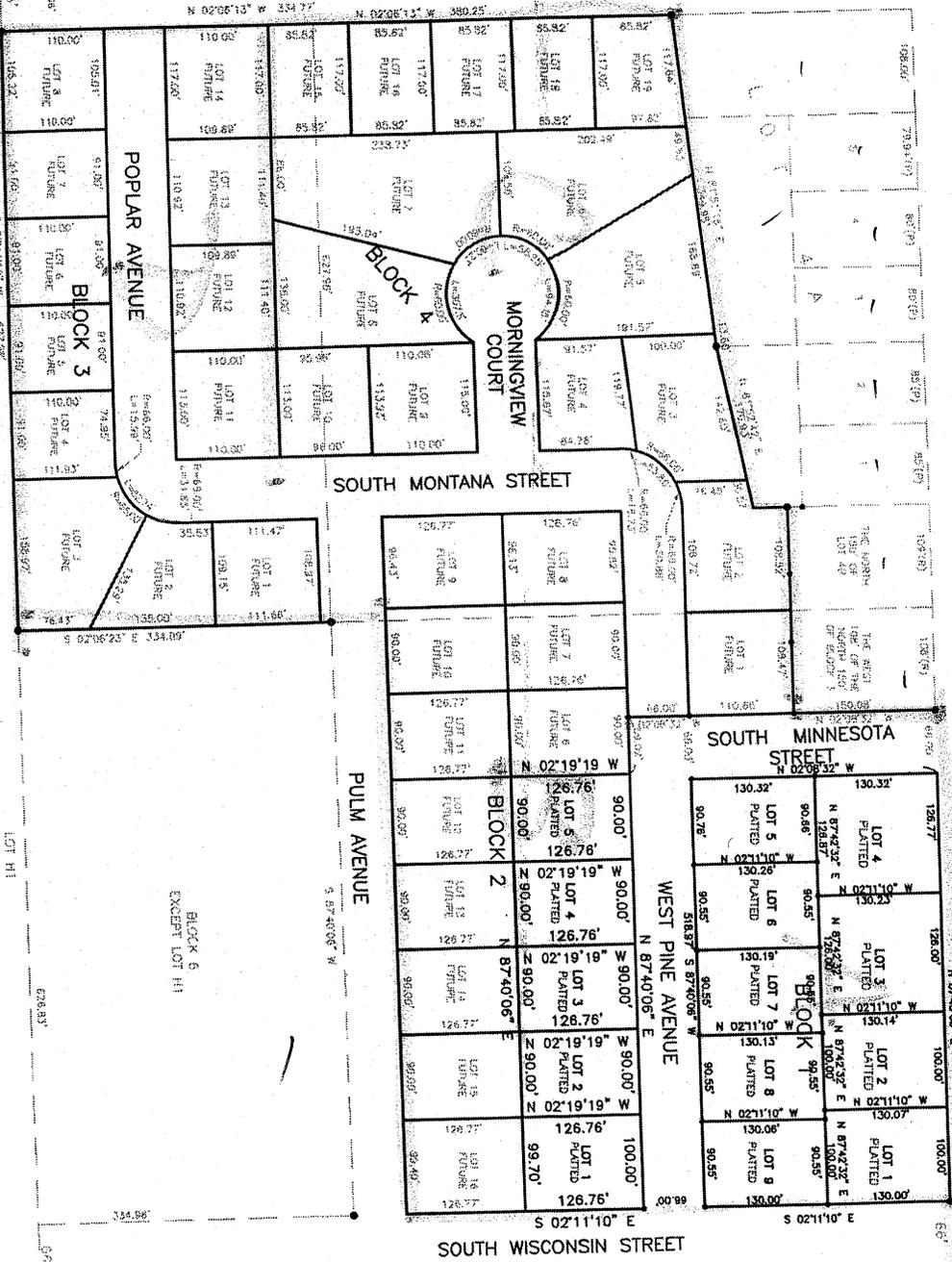
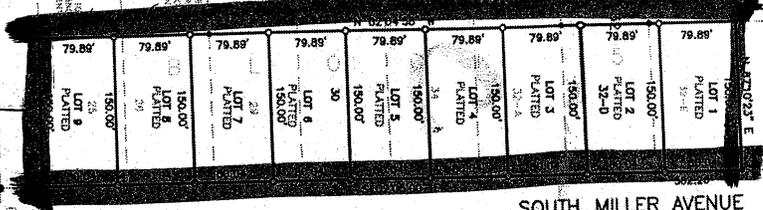
SOUTH MILLER AVENUE

1-90 RIGHT-OF-WAY

LOT H1

LOT H1

LOT H1



to be rezoned.

SPN & Associates
Engineers, Planners and Surveyors
2100 S. Cross Street Blvd. - E-66, Room 296-001 Mitchell, South Dakota 57301

MUELLER LUMBER
MORNINGVIEW SUBDIVISION
DATE: 03/29/2015



September 13, 2016

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED, that Mueller Lumber Co is requesting rezoning their property legally described as Lots 1 thru 9, Block 5, MLC Addition, in the NE ¼ of the SW1/4 of Section 28, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota from R2 Single Family Residential District to Planned Unit Development District. The applicant is also proposing amendments to the existing their planned unit development project.

YOU ARE FURTHER NOTIFIED, that public hearings will be held by the Planning Commission on September 26, 2016 at 12:00 P.M and the City Council will hold first reading on October 3, 2016 and second reading and adoption is scheduled for October 17, 2016 at 6:30 P.M., at the Council Chambers, Mitchell City Hall. All interested parties may attend the public hearings and provide comments in regards to the applicant's request.

I/We Joseph A. Skot Kaye E. Pekas
OWNER

1716 Thomsen Place, Mitchell, SD 57301

ADDRESS

APPROVE

DISAPPROVE

No response will indicate approval.

COMMENTS:

Outside expectations

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONING DISTRICT KNOWN AS THE WOODLAND HEIGHTS PLANNED DEVELOPMENT DISTRICT AS IDENTIFIED IN TITLE TEN, CHAPTER 9B OF THE MITCHELL CITY CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA:

Notwithstanding Ordinance Numbers 2053 and 2408, the provisions of this ordinance shall amend Mitchell City Code Section 10-9B-3: Scope of Regulations:

Section 1.

Amend A. Subarea A: by deleting:

“Also known as lots 1-11, block 1, Woodland Heights First Addition, city of Mitchell, Davison County, South Dakota.”

and replacing said text with the following:

“Also known as Block 1, Woodland Heights First Addition, City of Mitchell, Davison County, South Dakota.”

Section 2.

Amend A. Subarea A: 1. Permitted Uses, by deleting:

“Two-family dwellings”

and replacing said text with the following:

“One, two, and three family dwellings”

Section 3.

Amend A. Subarea A: 8. Minimum Lot Area and Width, by deleting:

“The minimum lot area shall be at least ten thousand (10,000) square feet and minimum lot width of seventy feet (70).”

and replacing said text with the following:

“The minimum lot area shall be at least seven thousand-five hundred (7,500) square feet and the minimum lot width of fifty (50) feet.”

Section 4.

Amend C. Subarea C: 2. Conditional Uses, by deleting:

“Multi-family dwelling twelve (12) units or more”

And replacing said text with the following:

“Multi-family dwellings thirteen (13) units or more”

Section 5.

Amend C. Subarea C: 7. Minimum Lot Area and Width, by deleting:

“The minimum lot area shall be least ten thousand (10,000) square feet and minimum lot width of seventy feet (70).”

and replacing said text with the following:

“The minimum lot area shall be at least seven thousand- five hundred (7,500) square feet and the minimum lot width of fifty (50) feet.”

Section 6. The City Finance Officer shall publish notice of this ordinance and the same shall become effective 20 days after the completed publication thereof, unless the referendum shall be invoked as provided by law.

Adopted by majority vote of the Mitchell SD City Council in regular session this ____ day of _____, 20____.

Jerry Toomey – Mayor

Attest:

(seal)

Michelle Bathke – City Finance Officer

First Reading: _____

Second Reading: _____

Adoption: _____

Published: _____

ARTICLE B. WOODLAND HEIGHTS PLANNED DEVELOPMENT DISTRICT

10-9B-1: LEGAL DESCRIPTION:

All of Lot Three (3) and Lot Two (2), to include Tracts One (1), Two (2), Three (3), and Five (5) of Block One (1) in the said Lot Two (2) but except the West Forty (40) feet and the North Forty (40) feet of the said Lot Two (2), except lots Two A (2A), Two B (2B), Two C (2C), Two D, (2D), Two E (2E) and Two F (2F), of the said Lot Two (2) and except Tracts Four (4), Six (6) and Seven (7), Block One (1) of the said Lot Two (2), All in Crane's Addition in the Southeast Quarter (SE $\frac{1}{4}$) Section Thirty-Four (34), Township One Hundred Three (103) North Range (60) West, City of Mitchell, Davison County, South Dakota.

(Ord. 2408, 10-1-2012)

10-9B-2: PURPOSE:

This area is intended to provide residential opportunities and provide for densities, which reflect both the cost and best utilization of land. (Ord. 2408, 10-1-2012)

10-9B-3: SCOPE OF REGULATIONS:

The regulations in this article or set forth elsewhere in the zoning code when referred to in this article are the district regulations that shall be governed by the Woodland Heights planned development district.

A. Subarea A: Also known as lots 1-11, block 1, Woodland Heights First Addition, city of Mitchell, Davison County, South Dakota.

1. Permitted Uses:

Accessory buildings.

Two-family dwellings.

2. Conditional Uses:

Home occupations.

3. Parking Regulations: Parking shall be regulated in conformance with this title. (Ord. 2408, 10-1-2012)

4. Sign Regulations: Sign regulations shall be in conformance with [title 9, chapter 4](#) of this code. (Ord. 2512, 4-6-2015)
 5. Maximum Building Height: No principal building shall exceed two and one-half (2^{1/2}) stories or thirty five feet (35') in height and no accessory building shall exceed one story or seventeen feet (17') in height.
 6. Maximum Coverage: No more than forty five percent (45%) of the lot area shall be covered by structures.
 7. Accessory Buildings: Accessory buildings shall not exceed one thousand fifty (1,050) square feet.
 8. Minimum Lot Area And Width: The minimum lot area shall be at least ten thousand (10,000) square feet and minimum lot width of seventy feet (70').
 9. Minimum Yard Requirements (Setbacks):
 - a. Front yard: Thirty feet (30').
 - b. Back yard: Thirty feet (30').
 - c. Side yard: Six feet (6').
 - d. Side yard of corner lot: Fifteen feet (15').
- B. Subarea B: Also to be known as lots 1-14, block 2, lots 1-14, block 3, lots 1-10, block 4, lots 1-8, block 5, Woodland Heights First Addition, city of Mitchell, Davison County, South Dakota.
1. Permitted Uses:
 - Accessory buildings.
 - Single-family dwellings.
 2. Conditional Uses:
 - Home occupations.
 3. Parking Regulations: Parking shall be regulated in conformance with this title. (Ord. 2408, 10-1-2012)
 4. Sign Regulations: Sign regulations shall be in conformance with [title 9, chapter 4](#) of this code. (Ord. 2512, 4-6-2015)
 5. Maximum Building Height: No principal building shall exceed two and one-half (2^{1/2}) stories or thirty five feet (35') in height and no accessory building shall exceed one story or seventeen feet (17') in height.
 6. Maximum Coverage: No more than forty five percent (45%) of the lot area shall be covered by structures.

7. Accessory Buildings: Accessory buildings shall not exceed one thousand fifty (1,050) square feet.
 8. Minimum Lot Area And Width: The minimum lot area shall be at least ten thousand (10,000) square feet and minimum lot width of seventy feet (70').
 9. Minimum Yard Requirements (Setbacks):
 - a. Front yard: Thirty feet (30').
 - b. Back yard: Thirty feet (30').
 - c. Side yard: Six feet (6').
 - d. Side yard of corner lot: Fifteen feet (15').
- C. Subarea C: Also to be known as block 6, Woodland Heights Addition First Addition, city of Mitchell, Davison County, South Dakota.
1. Permitted Uses:

Accessory buildings.

Multi-family dwellings twelve (12) units or less.

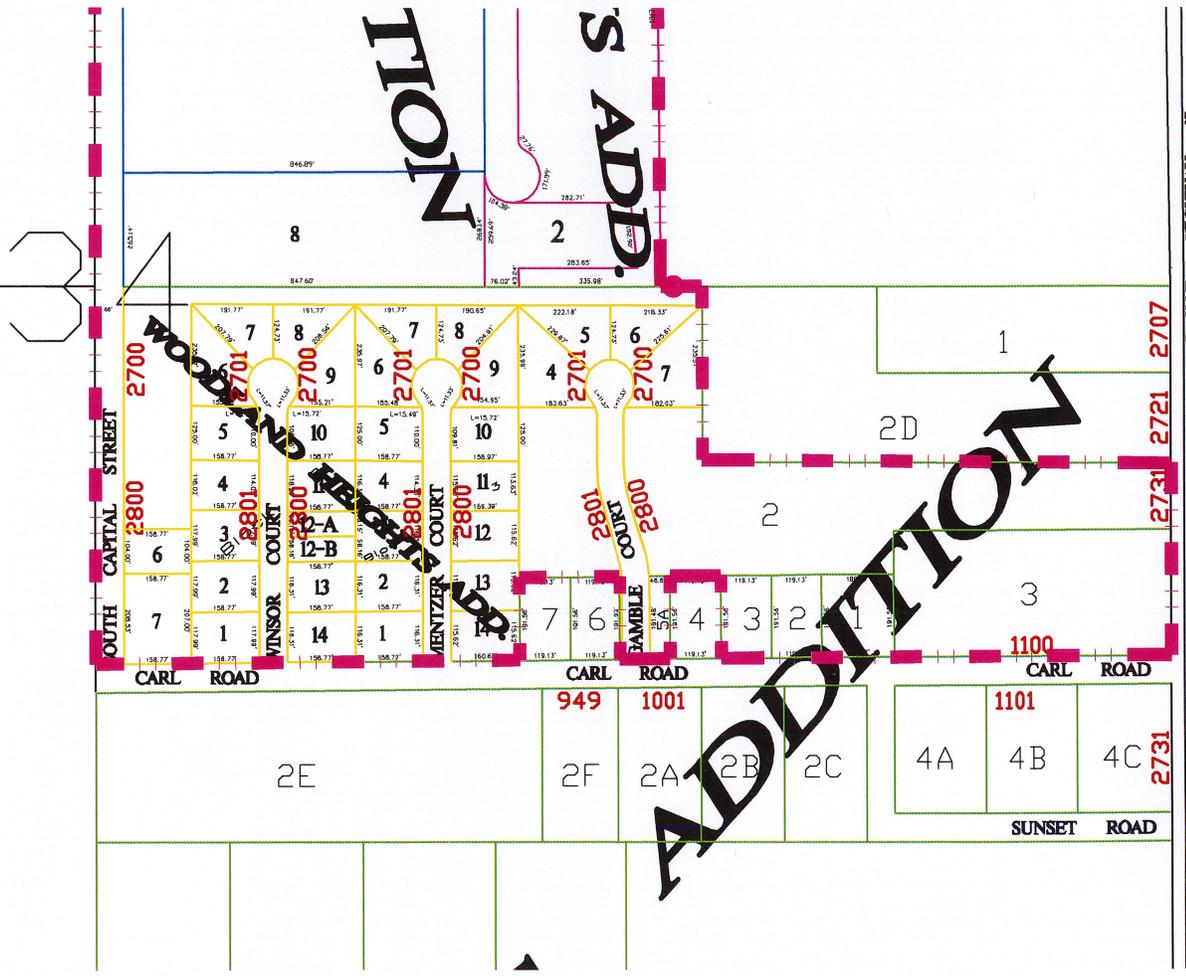
Single-family dwellings.
 2. Conditional Uses:

Home occupations.

Multi-family dwelling twelve (12) units or more.
 3. Parking Regulations: Parking shall be regulated in conformance with this title. (Ord. 2408, 10-1-2012)
 4. Sign Regulations: Sign regulations shall be in conformance with [title 9, chapter 4](#) of this code. (Ord. 2512, 4-6-2015)
 5. Maximum Building Height: No principal building shall exceed six (6) stories or sixty five feet (65') in height and no accessory buildings shall exceed one story or seventeen feet (17') in height.
 6. Maximum Coverage: No more than seventy five percent (75%) of the lot area shall be covered by structures.
 7. Minimum Lot Area And Width: The minimum lot area shall be at least ten thousand (10,000) square feet and minimum lot width of seventy feet (70').
 8. Minimum Yard Requirements (Setbacks):
 - a. Front yard: Thirty feet (30').
 - b. Back yard: Thirty feet (30').

c. Side yard: Six feet (6').

d. Side yard of corner lot: Fifteen feet (15'). (Ord. 2408, 10-1-2012)



6

1801

1800

7

8B

1801

SOUTH

1800

LOT 1

1801

1800

C-1

MC

QUINCE STREET

QUINCE STREET

CABELA DRIVE

CABELA DRIVE

CABELA DRIVE

ARNINGVIEW ADDITION

CABELA'S 1ST ADDITION

