

PLANNING COMMISSION AGENDA

City Council Chambers

DATE: **WEDNESDAY, April 13, 2016**

****PLEASE NOTE DATE****

TIME: 12:00 NOON

CALL TO ORDER:

ROLL CALL:

APPROVE AGENDA:

MINUTES: Regular Meeting March 28, 2016

NEXT MEETING: Monday, April 25, 2016

PLAT: Lot C, Block 4 of Westwood First Addition, a subdivision of a portion of Tract A-2 and Block 4 of Westwood First Addition in the NW ¼ of Section 16, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota

PLAN REVIEW: Marco's Pizza - 605 S Sanborn - Zoned HB.

OTHER BUSINESS:

ADJOURN:

"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 995-8433 at least 24 hours prior to the scheduled meeting."

**CITY OF MITCHELL
CITY PLANNING COMMISSION
MINUTES, March 28, 2016**

Not Approved

Call to Order: Chairman Larson called the March 28, 2016 planning commission meeting to order at 12:00 pm, Council Chambers, City Hall, Mitchell, SD.

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

Members Absent: Fergen, Molumby, and Schmucker

Others Present: Putnam, McGannon, T. Johnson, J. Johnson, Laursen, Overweg, Hegg, London, J. Bathke, Jenniges, and Mayor Toomey.

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

Minutes: Motion by Everson, seconded by Griffith to approve the minutes of the March 14, 2016 meeting. All members present voting aye, motion carried.

Next Meeting: Motion by Meyers, seconded by Everson to schedule the next meeting for April 11, 2016. All members present voting aye, motion carried.

Variance: G & O Properties LLC have requested a front yard variance of 20' vs 25' for construction of a new residence in the 201 Block of North Marshall, legally described as Lots 11 & 12, Block 5, S.T. Greene Addition, City of Mitchell, Davison County. The property is zoned R2 Single Family Residential District.

The applicants were present to answer questions. No one testified in opposition of the variance. No written opposition was received.

The public notice was published in the *Mitchell Daily Republic* on March 17 & March 24, 2016 and letters to the neighboring property owners were sent March 16, 2016.

Larson indicated that he was very familiar with this area and it appears the proposed new house will line up with existing homes.

Motion by Griffith, seconded by Meyers to recommend approval of the variance to the Board of Adjustment. Larson, Griffith, Meyers voting yes, Everson voting no. Motion carried 3 to 1.

Rezoning: Delvin and Delana Schelske have made an application to rezone the property legally described as Lots 3 thru 8, Knollwoods Heights 2nd Subdivision, City of Mitchell, Davison County, South Dakota.

Delana Schelske and Nicki Letcher were present to answer questions. No one testified in opposition of the applicant. No written opposition was received.

The public notice was published in the *Mitchell Daily Republic* on March 18, 24, and April 6, 2016. Letters to the neighboring property owners were sent March 16, 2016.

Putnam indicated the applicants will be applying for a conditional use permit for a retail building at later date.

Motion by Meyers, seconded by Everson to recommend approval of the rezoning request to the City Council. All members present voting aye, motion carried.

Plat: Lot 13 in Tract H, Wild Oak Golf Club Addition to the City of Mitchell, Davison County, South Dakota. Motion by Everson, seconded by Griffith to approve the plat as presented. All members present voting aye, motion carried.

Plat: Lot 19, Block 9 of CJM 2nd Addition in the NW ¼ of Section 32, T 104 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. Motion by Everson, seconded by Griffith to approve the plat. All members present voting aye, motion carried.

Plan Approval: Hard Drive Central- 318 N Main Street, Mitchell, SD. Zoned CB Central Business District. Putnam indicated the owner wishes to add some square footage to the front and try to make the building 'flush'. They are also updating the awnings. The building addition may be reviewed by Mitchell Main Street and the Historic Preservation Commission. Motion by Everson, seconded by Meyers to approve the plan. All members present voting aye.

Tax Incremental Financing District #22 known as Kustom Cycles, Inc.

Don Petersen, Attorney representing the developers, provided the planning commission an overview of the proposed project plan. He talked about the various phases and aspects of the economic feasibility study. He stated this is a 'city' TIF District, which means it is city funded and the public infrastructure improvements will city projects. Therefore, the bonds will be tax-exempt and will result in a lower interest rate. He mentioned that various private construction projects are providing increment, include; Klockwerks, Patzer, Roger Klock, and Valor LLC. Petersen also mentioned this project will improve some city gravel roads, which was a goal of Focus 2020. He reminded the commission of the statutory requirements of TIF Districts. This project has been reviewed by the city's TIF Review Committee and Toby Morris, a financial consultant that the city has retained. He also provided scenarios if the construction does not progress as planned. He briefly touched on the 'blight' definition set forth in state statute and the city's ordinance.

T. Johnson and McGannon provided an overview of infrastructure needs and the drainage issues in this area of town. Dave Sietsema, representative of Klockwerks, provided a description of their new construction and possible expanded employment. Mike Miiller, Valor LLC, provided a brief description of the proposed apartments that his group in planning in TIF district. Mayor Toomey indicated that he supports this project.

Larson provided an opportunity for anyone from the public to provide comments or to pose questions to the developers and city staff. No one other than the developers, staff and commission members commented.

Putnam noted the notice of hearing in the agenda packet and that notification requirements have been completed.

Motion by Griffith, seconded by Everson to approved the project plan as submitted. Roll Call: Everson yes, Griffith yes, Meyers yes, and Larson yes. 4 yes 0 no, motion carried.

Motion by Meyers, seconded by Everson to establish the boundaries of Tax Incremental Financing District # 22 legally described as the following:

1. South One Hundred Fifty-eight Feet (S.158') of Block Five (5), Weavers Square Addition to the City of Mitchell, Davison County, South Dakota; and
2. Block Seventeen (17), Weavers Squares Addition to the City of Mitchell, Davison County, South Dakota; and
3. Block Fifteen (15), Weavers Squares Addition to the City of Mitchell, Davison County, South Dakota; and
4. Block Twenty (20), Weavers Squares Addition to the City of Mitchell, Davison County, South Dakota; and
5. Lot X and the North Half (N ½) of Kay Avenue and Lawler Avenue, Block Nineteen (19), Weavers Squares Addition to the City of Mitchell, Davison County, South Dakota; and
6. Lots Six (6), Seven (7) and Eight (8), Block Eighteen (18), Weavers Squares Addition to the City of Mitchell, Davison County, South Dakota; and
7. Lots One (1), Two (2) and Three (3), Square 21 of Weaver's Squares Addition to the City of Mitchell, Davison County, South Dakota; and
8. In addition to the above parcels, the TID boundaries shall include the East Hackberry Avenue right-of-way from its intersection with South Main Street through its intersection with South Kimball Street; East Ivy Avenue right-of-way from its intersection with South Lawler Street through its intersection with South Kimball Street; East Juniper right-of-way from its intersection with South Main Street through its intersection with South Davison Street; South Lawler Street Right-of-way from its intersection with East Hackberry Avenue to its dead end; and South Kimball Street from its intersection with East Hackberry Avenue to its dead end.

Roll Call Vote: Larson yes, Meyers yes, Griffith yes, and Everson yes. 4 Yes 0 No, motion carried.

Chairman Larson adjourned the meeting at 12:50 pm.

Chairman

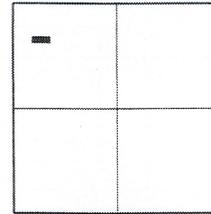
Date



GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft.



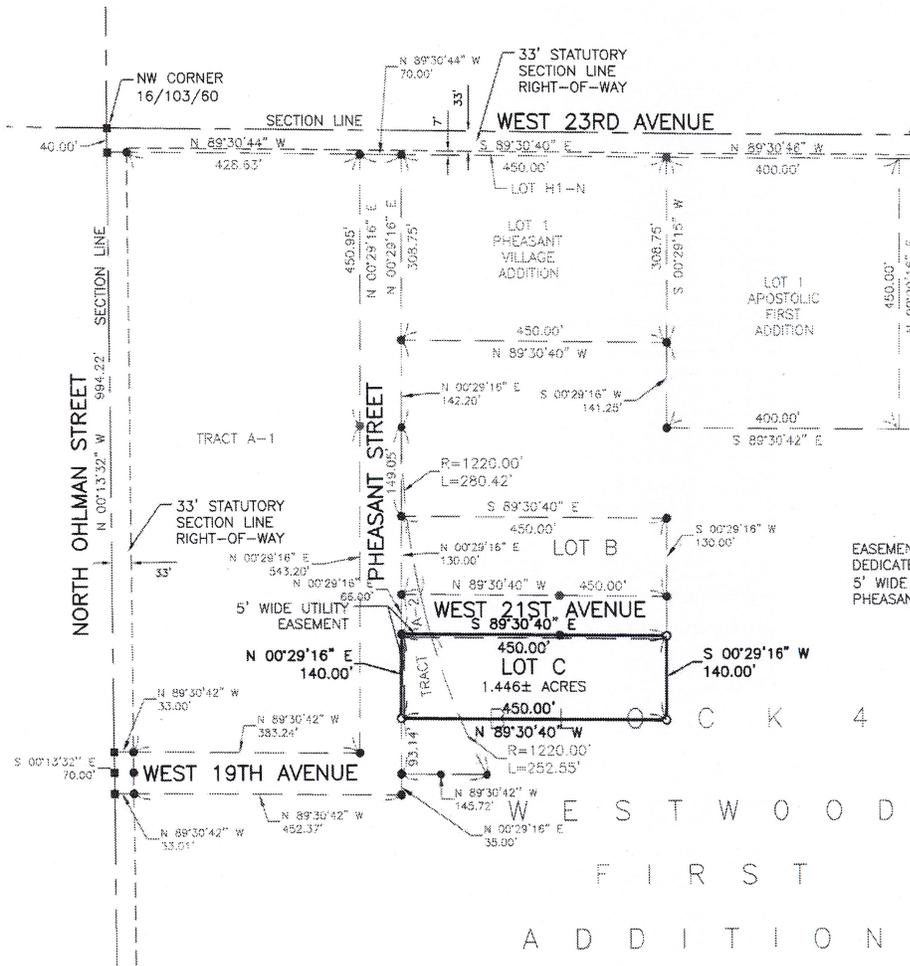
LOCATION MAP
SCALE: 1" = 3000'

LEGEND

- = FOUND IRON MONUMENT
- = SET 5/8" x 18" REBAR WITH PLASTIC CAP NO. 6702
- 100' (P) = PLATTED BEARING OR DISTANCE
- 100' = MEASURED BEARING OR DISTANCE
- ▲ = SET NAIL
- ▲ = SET SURVEY SPIKE
- ▲ (P) = PLATTED DISTANCE IN CHAINS
- = FOUND NAIL
- ◇ = SET 3/8" x 12" SPIKE W/WASHER P&R-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 GRS GRID BEARINGS/GROUND DISTANCES



EASEMENT WITHIN LOT C, BLOCK 4 DEDICATED BY THIS PLAT: 5' WIDE UTILITY EASEMENT ALONG PHEASANT STREET AND WEST 21ST AVENUE

A PLAT OF LOT C, BLOCK 4 OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF A PORTION OF TRACT A-2 AND BLOCK 4 OF WESTWOOD FIRST ADDITION IN THE NW 1/4 OF SECTION 16, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

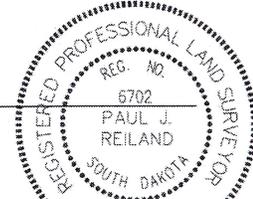
SURVEYOR'S CERTIFICATE

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 CJM Consulting, Inc., a South Dakota Corporation, and the City of Mitchell, South Dakota, a South Dakota Municipal Corporation, as owners, and under their direction for purposes indicated therein, I did on or prior to April 5, 2016, survey those parcels of land described as follows: LOT C, BLOCK 4 OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF A PORTION OF TRACT A-2 AND BLOCK 4 OF WESTWOOD FIRST ADDITION IN THE NW 1/4 OF SECTION 16, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, 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 _____ day of _____, 2016.

Registered Land Surveyor #6702



SPN & Associates
Engineers, Planners and Surveyors
2100 North Sanborn Blvd. - P.O. Box 398 Mitchell, South Dakota 57301
Phone: (605) 996-7761 Fax: (605) 996-0015

A PLAT OF LOT C, BLOCK 4 OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF A PORTION OF TRACT A-2 AND BLOCK 4 OF WESTWOOD FIRST ADDITION IN THE NW 1/4 OF SECTION 16, T 103 N, R 60 W OF THE 5th P.M., CITY OF MITCHELL, 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 that CJM Consulting, Inc., a South Dakota Corporation, and the City of Mitchell, South Dakota, a South Dakota Municipal Corporation, 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 TRACT A-2 AND BLOCK 4 OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF THE NW 1/4 OF SECTION 16, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA; that the plat has been made at the request of CJM Consulting, Inc., a South Dakota Corporation, and the City of Mitchell, South Dakota, a South Dakota Municipal Corporation, and under their direction for the purposes indicated therein; which said property as so surveyed and platted shall hereafter be known as LOT C, BLOCK 4 OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF A PORTION OF TRACT A-2 AND BLOCK 4 OF WESTWOOD FIRST ADDITION IN THE NW 1/4 OF SECTION 16, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, as shown by this plat; and CJM Consulting, Inc., a South Dakota Corporation, and the City of Mitchell, South Dakota, a South Dakota Municipal Corporation, hereby dedicate to the public, for public use forever as such, the streets and alleys and easements, if any, as shown and marked on said plat; and that development of the land included within the boundaries of said Lot C, Block 4 shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations; further that there now exists Pheasant Street and West 21st Avenue.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2016 .

Charles J. Mauszycki, Jr., Vice President of CJM Consulting, Inc., a South Dakota Corporation

CORPORATION ACKNOWLEDGMENT

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF DAVISON)

On this, the _____ day of _____, 2016 , before me, _____, the undersigned officer, personally appeared Charles J. Mauszycki, Jr., of CJM Consulting, Inc., a South Dakota Corporation, and that he, as such Vice President, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as Vice President.

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

Notary Public, South Dakota
My Commission Expires: _____

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2016 .

Jerald L. Toomey, Mayor of the City of Mitchell, South Dakota, a South Dakota Municipal Corporation

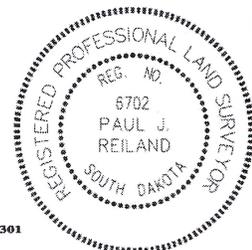
CORPORATION ACKNOWLEDGMENT

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF DAVISON)

On this, the _____ day of _____, 2016 , before me, _____, the undersigned officer, personally appeared Jerald L. Toomey, Mayor of the City of Mitchell, South Dakota, a South Dakota Municipal Corporation, and that he, as such Mayor, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the City of Mitchell by himself as Mayor.

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

Notary Public, South Dakota
My Commission Expires: _____



A PLAT OF LOT C, BLOCK 4 OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF A PORTION OF TRACT A-2 AND BLOCK 4 OF WESTWOOD FIRST ADDITION IN THE NW 1/4 OF SECTION 16, T 103 N, R 60 W OF THE 5th P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

RESOLUTION OF CITY PLANNING COMMISSION

WHEREAS, the plat of LOT C, BLOCK 4 OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF A PORTION OF TRACT A-2 AND BLOCK 4 OF WESTWOOD FIRST ADDITION IN THE NW 1/4 OF SECTION 16, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, 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 C, BLOCK 4 OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF A PORTION OF TRACT A-2 AND BLOCK 4 OF WESTWOOD FIRST ADDITION IN THE NW 1/4 OF SECTION 16, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, 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: _____

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 C, BLOCK 4 OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF A PORTION OF TRACT A-2 AND BLOCK 4 OF WESTWOOD FIRST ADDITION IN THE NW 1/4 OF SECTION 16, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, 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 C, BLOCK 4 OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF A PORTION OF TRACT A-2 AND BLOCK 4 OF WESTWOOD FIRST ADDITION IN THE NW 1/4 OF SECTION 16, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, 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: _____

CERTIFICATE OF COUNTY TREASURER

I, _____, hereby certify that I am the duly elected, qualified, and acting Treasurer of Davison County, South Dakota, and I hereby certify that all taxes which would, if not paid, be liens upon any of the land included in the within and foregoing plat, as shown by the records of my office, have been fully paid.

Treasurer, Davison County _____ Date _____

DIRECTOR OF EQUALIZATION

I, _____, Director of Equalization of Davison County, South Dakota, hereby certify that a copy of the plat of LOT C, BLOCK 4 OF WESTWOOD FIRST ADDITION, A SUBDIVISION OF A PORTION OF TRACT A-2 AND BLOCK 4 OF WESTWOOD FIRST ADDITION IN THE NW 1/4 OF SECTION 16, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

Director of Equalization, Davison County _____ Date _____

REGISTER OF DEEDS

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF DAVISON)

FILED for record this _____ day of _____, 2016, at _____, and recorded in Book _____ of Plats on Page _____ therein and recorded on Microfilm Number _____.

By _____ Deputy
Register of Deeds, Davison County

