

**CITY OF MITCHELL
CITY PLANNING COMMISSION
MINUTES, June 27, 2016**

Call to Order: Chairman Larson called the June 27, 2016 City Planning Commission meeting to order at 12:00 pm, in the Council Chambers, City Hall, 612 N Main St, Mitchell, SD.

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

Members Absent: Fergen, Meyers, and Schmucker

Others City Officials Present: Mayor Toomey, Ellwein, J. Johnson, T. Johnson, McGannon, London, Laursen, Overweg, Hegg, and Putnam.

Agenda: Motion by Molumby, seconded by Everson to approve the June 27, 2016 agenda as presented. All members present voting aye, motion carried.

Minutes: Motion by Everson, seconded by Griffith to approve the minutes of May 23, 2016 meeting (no meeting June 13, 2016). All members present voting aye, motion carried.

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

Conditional Use: Bobbi Kurtenbach has made an application for a family residential child care center in her home at 1505 E. Ash Ave, legally described as Lot 5, Block 5, Sunnybrook Estates Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R2 Single Family Residential District.

The applicant was not present. No one other than staff commented on this application. The public notice was published in the *Mitchell Daily Republic* on June 1 & 8, 2016 and letters to the neighboring property owners were sent on June 1, 2016.

The fire marshal reported the applicant passed an inspection. The commission reviewed written comments that were submitted.

Motion by Molumby, seconded by Everson to recommend the Board of Adjustment to approve the conditional use permit with the following conditions; 1) the permit is not transferable 2) if the business ceases to operate for a period of six months or longer then a new application will be required. All members present voting aye, motion carried.

Variance: Merle and Robin Scheiber have made an application for a side-yard on a corner variance of 8' vs 20' to construct an addition/garage to their home at 400 Oakmond Ave, legally described as Lot 8, Block 6 and that portion of the South ½ of the vacated alley abutting Lot 8, Greenridge Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R1 Single Family Residential District.

The applicant was available by speaker phone. He answered various questions from the commission. No written comments were received. No one other than staff testified in regards to this application.

The public notice of the hearing was published in the *Mitchell Daily Republic* on June 17, 2016 and letters to the neighbors were sent on June 17, 2016.

T. Johnson asked about installation of sidewalks and the owner was aware of the requirement. T. Johnson informed him that sidewalks are planned in the near future for this area. The applicant indicated a tree on the corner has been removed and he has staked the proposed addition. He answered questions about the drainage and water situation of his property and how the new addition may address this situation. His new addition would match the roof line. Commissioners and city staff indicated there will not be a corner obstruction.

Motion by Griffith, seconded by Molumby to recommend approval of the variance to the Board of Adjustment; Roll call, Everson no, Molumby no, Griffith yes, and Larson yes. Motion fails two yes, two no.

Variance: Gloria and Terry Hanson have made an application for a side-yard variance of 10 inches vs 3 feet as required to construct an addition to their home at 1326 W. 4th Avenue, legally described as Lots 1 & 2, Outlot 1, C. R. Johnson's Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R2 Single Family Residential.

Gloria Hanson and her contractor were available to answer questions. No one other than staff testified in regards to the application.

The public notice was published in the *Mitchell Daily Republic* on June 6, 2016 and letters to the neighbors were sent on June 1, 2016.

Molumby noted the next door neighbor objects to the variance. Larson asked the applicant about the possibility of constructing the addition in compliance with the 3' standard. Ms. Hanson responded that it would require displacing some bedrooms, required removal of part of her driveway pavement and a reconfiguration of their yard. She indicated the neighbor's driveway that is adjacent to her property is rarely used.

Motion by Molumby, seconded by Everson to recommend the Board of Adjustment deny the variance application. Roll Call Everson yes, Griffith yes, Molumby yes, and Larson yes. Motion passes 4 to 0.

Plat: Lot 1, Block 2 of CJM Second Addition, and a portion of Jamaicas Avenue, in the NW ¼ of Section 32, T 104 N, R 60 W of the 5th P.M., Davison County, South Dakota. Chuck Mauszycki Sr., (developer) was present to answer questions about this plat. The name Jamaicas Street will be changed. McGannon indicated that water is not available at this time and this area is not in the city limits. Mauszycki indicated the buyer is willing to install a smaller water line of about 300 feet in order to meet their needs. However, McGannon and Mauszycki indicated that a larger line will eventually be installed when the development is approved. Mauszycki will inform the client of the options and the time frames. He also indicated that he will be back to provide details about his plans for this development.

Motion by Everson, seconded by Molumby to table this plat until the next meeting. All members present voting aye, motion carried.

Plat: Lot 7, Block 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, South Dakota. Chuck Mauszycki Sr. was present to answer questions about this plat. It appears to follow the master plan.

Motion by Molumby, seconded by Everson to approve the plat. All members present voting aye, motion carried.

Plat: Lot 1, Block 10 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. Chuck Mauszycki Sr. was present to answer questions about this plat. It appears to follow the master plan.

Motion by Everson, seconded by Molumby to approve the plat. All members present voting aye, motion carried.

Plat: Lot 1 of Crago's Addition, in the W ½ of the NE ¼ of Section 29, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota. This plat is just outside the city limits, but within the ETJ. The county will also review the plat.

Motion by Everson, seconded by Molumby to approve the plat, pending county approval. All members present voting aye, motion carried.

Plat: Lot 11 of Park Acres First Addition in the NE ¼ of Section 6, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota. Chuck Mauszycki Sr. was present to answer questions about this plat. It appears to follow the master plan. There was discussion of septic tank requirements. Rural water will serve this area. The commission also asked about the dedicated ROW indicated on the plat. The developer said there are no immediate plans to construct a road; however, the ROW will be dedicated in the event such an access is required or desirable. This property is outside the city limits, but within the ETJ. The county will also review the plat.

Motion by Molumby, seconded by Everson to approve the plat. All members present voting aye, motion carried.

Plat: Lot 6, Block 6 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. Chuck Mauszycki Sr. was present to answer questions about this plat. It appears to follow the master plan.

Motion by Everson, seconded by Griffith to approve the plat. All members present voting aye, motion carried.

Plat: Lot 7, Block 10 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. Chuck Mauszycki Sr. was present to answer questions about this plat. It appears to follow the master plan.

Motion by Everson, seconded by Griffith to approve the plat. All members present voting aye, motion carried.

Plat: Lot 3, Block 3, in Lakeview 2nd Addition, a subdivision of the NW ¼ of the SW ¼ of Section 9, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. This appears to follow the master plan.

Motion by Everson, seconded by Griffith to approve the plat. All members present voting aye, motion carried.

Plat: Lot 1, Block 1 of Woodland Heights First Addition, a subdivision of Lot 2, Crane's Addition in the SE ¼ of Section 34, T 103 N, R 60 W of the 5th P.M. This appears to follow the master plan.

Motion by Molumby, seconded by Everson to approve the plat. All members present voting aye, motion carried.

Revised Site Plan: EVI Prairie Crossing LLC, Tract 1-C, Tract 1-E, Tract 1-F, Starlite Estates in the NE ¼ of the NW ¼ of Section 34, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. The property is zoned R4 High Density Residential District.

Jeff McCormick, SPN & Associates, represented the property owners. The owners have a revised plan that indicates a smaller building, access from Spruce Street rather than South Village Point Rd, no access to Urbana Drive, and a cul-de-sac on the owners' property. McCormick indicated the plan has been reviewed by Public Works and Public Safety. McGannon asked about drainage and McCormick indicated the drainage will be directed to north to the street. McCormick has been told the previous developers are not interested in installing the platted street at this time. McGannon recommended the commission review the revised plan. Molumby asked about the conditions originally recommended with the conditional use. The council did not accept the suggested planning commission condition that required maintenance of Urbana Drive.

Motion by Molumby, seconded by Everson to approve the revised plan. All members present voting aye, motion carried.

Plan Approval: BankWest, 1900 Block of N Sanborn Blvd. Highway Oriented Business District (HB). Jeff McCormick, SPN & Associates, was present to answer questions about the project. There was discussion about the drainage and installation of sidewalks on the By-Pass and Sanborn. McCormick indicated that project will comply with city standards.

Motion by Griffith, seconded by Molumby to approve the plan as submitted. All members present voting aye, motion carried.

Plan Approval: Hungry Dog (Old Zesto) 422 S. Sanborn Blvd. Highway Oriented Business District (HB). The new owners presented a plan that indicated new improvements to the building and their intention to open the business. They were made aware of previous issues with city code enforcement. They have intentions to update the property to meet city standards.

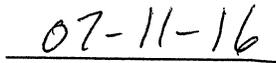
Motion by Molumby, seconded by Everson to approve the plan as submitted. All members present voting aye, motion carried.

Discussion: Justin Bolle (prospective buyer) of 24920 406th Ave. Zoned Urban Development (UD). Mr. Bolle is looking to purchase this property with the intention of using the property to store his semi-trucks (tractors only) and not have trailers at the site. Bolle indicated there will not be commercial activity. He has visited with the neighboring property owners and they have no objections. He also consulted with the County Highway Department about the road. The superintendent indicated that since there will be no trailers, the road should handle the traffic. Putnam indicated the UD development does not specifically address this possible use. Justin Johnson, City Attorney, advised the commission that they have the authority to make a determination of a proposed use that may be similar to permitted or conditional use that may comply with the city code. The commission determined that the proposed use is an "Agricultural Activity", therefore a permitted use.

Motion by Molumby, seconded by Griffith to determine the proposed use is permitted and recommended no trailers be stored on the site and no 'truck washing'. All members present voting aye, motion carried.

Adjournment: Chairman Larson adjourned the meeting at 1:05 pm.


Chairman


Date