

CITY OF MITCHELL  
CITY PLANNING COMMISSION MINUTES  
February 14, 2022

APPROVED

1. Chairperson Larson called the February 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: Larson, Molumby, Osterloo, Penney, Genzlinger, Jirsa (telephonically), Doescher.  
Absent: Sonne.  
Staff Present: Jenniges, T Johnson, J Johnson, Sandoval, Ellwien, Mayor Everson.
3. Declare conflicts of interest-None
4. Approval of proposed agenda: Motion by Osterloo, seconded by Genzlinger, to approve the proposed agenda. Roll call vote: Larson – aye, Molumby – aye, Jirsa –aye, Osterloo – aye, Genzlinger – aye, Sonne –absent, Penney– aye. 6 aye, 0 nay, 1 absent, motion carried.
5. Approval of proposed minutes: Motion by Molumby, seconded by Osterloo, to approve the minutes of the February 3, 2022 Planning Commission meeting. Roll call vote: Larson – aye, Molumby – aye, Jirsa –aye, Osterloo – aye, Genzlinger – aye, Sonne – absent, Penney– aye. 6 aye, 0 nay, 1 absent, motion carried.
6. Schedule next meeting: Motion by Genzlinger, seconded by Osterloo, to schedule the next meeting for February 28, 2022. Roll call vote: Larson – aye, Molumby – aye, Jirsa – aye, Osterloo – aye, Genzlinger – aye, Sonne –absent, Penney– aye. 6 aye, 0 nay, 1 absent, motion carried..
7. Variance: Gold Key Properties LLC has applied for a Variance Permit for a front-yard variance of 23' vs 25' to construct a duplex; located at 707 S Davison St, legally described as Lot 55 of Overlook Addition, City of Mitchell, South Dakota. The said real property is zoned R3 Medium Family Residential District. The applicant was present to answer questions. Notices were sent out to the neighbors and it was published in the official newspaper with one response against and 17 non responses.

Jenniges explained this is really a double lot and will have 3 dwellings on it so it meets the 100' width minimum and is under the lot coverage limits. The site plan has 3' showing but it will need to be 5' for a setback and the existing structure on the south meets the requirement already.

Pam Bathke representing Gold Key Properties LLC stated it will be a slab on grade duplex. Both will have a double garage and the reason they asked for the front yard

instead of the rear yard is because there is off street parking in front and the alley access in the rear yard is tight.

Osterloo questioned if a drainage plan was required which it is not but the applicant stated they will drain to the road using gutters. Jenniges noted an elevation certificate will be required before a building permit will be issued.

Motion by Molumby, seconded by Jirsa, to approve the Variance. Roll call vote: Larson – aye, Molumby – aye, Jirsa – aye, Osterloo – aye, Genzlinger – aye, Sonne – absent, Penney – aye. 6 aye, 0 nay, 1 absent, motion carried.

8. Conditional Use: Erika Zilla has applied for a Conditional Use Permit to operate a childcare, family residential; located at 1105 Chalkstone Drive, legally described as Lot 4, Block 4, Northridge Park Subdivision, City of Mitchell, Davison County, South Dakota. The said real property is zoned R1 Single Family Residential District. The applicant was present to answer questions. Notices were sent out to the neighbors and it was published in the official newspaper with five responses against 10 non responses.

Jenniges stated most of the responses dealt with safety concerns with high traffic volume and speed on their road. One response did mention a covenant from 1966 but the city does not enforce local covenants.

Zilla stated she has operated a daycare for 14 years. Previous locations were on 5<sup>th</sup> Ave, Elm St by John Paul II and Hwy 37. All of those locations were busy roads and has never had any issues with safety at the roads. Safety is her main concern. She has 8-12 kids at her daycare depending on the day and some are siblings. Her busiest time is between 7:30 and 8:15 when kids are getting dropped off. Kids get picked up starting at 3:30 till 5:15 so that is more spread out. She has a large driveway that can fit multiple vehicles. She will install a fence this spring in the back yard. Kids are not allowed outside unless it's in a fenced area.

Bill Sebert stated he did not return a letter because he wanted to talk at the meeting. He has talked with the applicant but has concerns over safety of the road. He also questioned if she moves does the permit stay with the land? Jenniges responded with the three standard conditions put on to the conditional use permit; 1) license is non-transferable, 2) if the business ceases operation for a period of 6 months and new application is required, 3) pass a fire inspection.

John Heemstra stated his concerns with safety with the road. He had mailbox on the north side of the road get taken out by a vehicle and launched it about 50'.

Sandoval stated he has completed a fire inspection and has no issues. If anyone has concerns at a later date he can go back in and check.

Tate Ellwein stated he is Erica's son and when they lived on Hwy 37 and there were big drifts it was up to the parents to decide if it was safe to take their kids to daycare that day.

Molumby stated he drove the road and has safety concerns with it. Genzlinger question if the daycare is creating more safety issues or just bringing to light an existing problem that the city needs to look into. Molumby also questioned if the applicant has been operating a daycare already without permit to which the applicant state she had been. She said it slipped her mind when moving from her previous location that she needed a new conditional use permit.

Motion by Genzlinger, seconded by Osterloo, to approve the Conditional use with three conditions; 1) license is non-transferable, 2) if the business ceases operation for a period of 6 months, a new application is required, 3) pass a fire inspection.. Roll call vote: Larson – aye, Molumby – nay, Jirsa – nay, Osterloo – aye, Genzlinger – aye, Sonne – absent, Penney – aye. 4 aye, 2 nay, 1 absent, motion carried.

9. Variance: Nick and Hilary Rockwell have applied for a Variance Permit for an oversized garage and accessory building combination of 4,560 square feet vs 2,000 square feet and maximum height for an accessory building of 27' vs 22'; located at 5213 Fiala Rd, legally described as Lot 4 of Fiala's Addition in the NW 1/4 of Section 4, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota. The said real property is zoned RL Lake Residential District. The applicant was present to answer questions. Notices were sent out to the neighbors and it was published in the official newspaper with two responses for and nine non responses

Jenniges explained that he had received a few phone calls and people stopping by the office to discuss this. They had concerns about the shed size and materials being used to build it. It was explained that it is a combination of the attached garage and shed to get to the square footage, the shed being proposed is 40' x 64'. Jenniges read 10-4-5 D2 from the ordinance which states the accessory building can't be built before the house and materials shall be consistent with residential construction and comparable to the neighborhood. There are a few sheds in the neighborhood that are pole sheds and some that are sided with asphalt shingles.

Rockwell stated he plans to build the house and shed at the same time. The shed will be a hobby workshop for him.

Motion by Osterloo, seconded by Genzlinger, to approve the Variance. Roll call vote: Larson – aye, Molumby – aye, Jirsa – aye, Osterloo – aye, Genzlinger – aye, Sonne – absent, Penney – aye. 6 aye, 0 nay, 1 absent, motion carried.

10. Rezone: Jensen Capital and Development LLC is requesting the following property legally described as; Block 12 Ex S 395' of N 490' of W 231' of Morningview Addition in the SE ¼ of Section 28, T 103 N, R 60 W of the 5<sup>th</sup> P.M., City of Mitchell, Davison County, South Dakota from UD Urban Development District to I Industrial District (intersection of S Miller St and Quincy St). For the purpose of a new business. The applicant was present to answer questions. Notices were sent out to the neighbors and it was published in the official newspaper with one response in favor, one opposed and 7 non responses.

Jenniges gave an overview of the area. AKG and BBBB fencing are abutting landowners and their land is zoned Industrial already so there is no spot zoning.

Jensen stated plans to move his business to this location, his current business is at 968 N Ohlman. He will be constructing houses that get moved off-site. He is also a wholesale building supplier so he will have deliveries to the site. He plans to have his main driveway on Quincy St which has not been developed yet but he has been in talks with the city and they plan to develop it half way and assess it back to the landowners.

Motion by Osterloo, seconded by Genzlinger, to recommend approval of the rezone. Roll call vote: Larson – aye, Molumby – aye, Jirsa – aye, Osterloo – aye, Genzlinger – aye, Sonne – absent, Penney – aye. 6 aye, 0 nay, 1 absent, motion carried.

11. Other Business-None.

12. Public Comment-None.

13. Chairperson Larson adjourned the meeting at 12:39 P.M.

  
Jay Larson  
Planning Commission Chairperson

02-28-2022