

**CITY OF MITCHELL  
CITY PLANNING COMMISSION  
MINUTES, JANUARY 8, 2018**

Chairman Larson called to order the January 8, 2018 City Planning Commission meeting at 12:00 pm in the Council Chambers, City Hall, 612 N. Main St, Mitchell, SD.

Members Present: Larson, Schmucker, Everson, Molumby, Jirsa, and Allen  
Members absent: Fergen & Griffith

Staff Present: Putnam, J. Johnson, Ellwein, Hegg, Laursen, Powell, Overweg

Approval of Agenda: Motion by Everson, seconded Jirsa to approve the agenda with the deletion of item #9 (pulled by the owner). All members present voting aye, motion carried.

Approval of Minutes: Motion by Everson, seconded by Molumby to approve the minutes of the December 11, 2017 meeting. All members present voting aye, motion carried.

Schedule Next Meeting: Motion by Everson, seconded by Molumby to schedule the next meeting for January 22, 2018. All members present voting aye.

Conditional Use Permit: Amber Kurtenbach has applied for a conditional use permit to operate a family residential child care business at her home located at 801 W. 7<sup>th</sup> Ave, legally described as Lots 1 & 2, Block 27, Rowley's 2<sup>nd</sup> Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R2 Single Family Residential District. (Tabled from last meeting)

The applicant was present to answer questions and provide testimony. Neighbors were also present to provide testimony.

Kurtenbach indicated that she is currently under the four visits per day at this time, but would like to be state registered and possibly watching more children. She has passed a fire inspection and has a privacy fence. She has contacted many of her neighbors. She also mentioned that her hours will be normal business hours.

Richard & Sandy Gerstenecker testified in regards to objections, which include noise, privacy, significant traffic on 7<sup>th</sup> Ave (Middle school, city vehicles, concrete plant, etc.). They mentioned that they have health issues and this activity may cause stress.

Randy Shank also testified in opposition of the application and also expressed concern about the traffic. He mentioned an instance in which a young child was hit by a vehicle. He also mentioned that a significant number of people objected in writing and thought that there should be a consideration in the denial of this permit.

Putnam mentioned that the letters from Gerstenecker and others were inadvertently not included in the agenda packet. He mentioned that nine letters were returned objecting, one came back affirmative, and 22 were mailed. Putnam was asked to remind the audience that a non-return is interpreted as approval.

The public notice was published in the *Mitchell Daily Republic* on November 30 & December 7, 2017 and letters were sent to the neighboring property owners on November 29, 2017.

Motion by Everson, seconded by Molumby to recommend the Board of Adjustment approve the conditional use permit with two conditions; 1) the permit is not transferable 2) if the business ceases for a period of six months or longer and new permit would be required. Roll Call vote; Larson yes, Everson yes, Molumby yes, Jirsa no, Schmucker abstain.

Rezoning: From Urban Development to HB Highway Oriented Business District. An Ordinance of the City of Mitchell, that changes the zoning classification of the real property legally described as SE ¼ including Lot A of Moneke's Subdivision, Ex H2 & Schlaffman Tract 1, Mitchell Township 26-103-60 and SW ¼ Ex H2 & Ex H2 & Ex Lot A of Mitchell Landfill 1<sup>st</sup> Addition, Mitchell Township 25-103-60, Davison County, SD from Urban Development District to Highway Oriented Business District and the official zoning map be changed to reflect the same.

The public notice was and to be published in the *Mitchell Daily Republic* on December 28, 2017, January 4 & January 18, 2018. Letters were sent to neighboring property owners on December 28, 2017. The two parcels are outside the city limits, but within the zoning jurisdiction of the City of Mitchell.

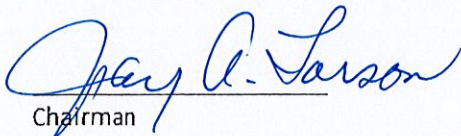
Gary Schlaffman was present to answer questions of his application. No written objections were submitted and no one testified in opposition of the rezoning.

The applicant is requesting the rezoning in order to comply with the requirement of the SD Department of Transportation regulations and state law in regards to placement of outdoor advertising on state controlled highways (I-90) should be zoned commercial. There are approximate 11 billboards on the north side of the I-90. The Dakota Fest property to the south zoned is commercial. According to the DOT, the signs have been there since 1985, which predates the city and county zoning of this area. One of the owners of the signs wish to remove two of the signs and replace them with new structures and increase the size. Motion by Everson, seconded by Molumby to recommend the City Council approve the rezoning request. All members present voting aye, motion carried.

Conditional Use/ Variance: Gary and Marge Schlaffman have applied for a conditional use/variance to replace the existing off-premise signs (billboards) that are one aforementioned real property. The new signs may be larger than 300 square, but must be less than 600 square feet in sign area. The request to apply to all of the existing signs. Putnam reminded the audience that DOT regulations regarding to spacing are applicable, which is 500 feet per sign and is more than city code. The notice and letters to the neighbors were sent with the rezoning request. In the zoning code the sign area more than 300 square feet, but less than 600 square feet is a conditional use permit and in the sign code it is a variance. Motion by Molumby, seconded by Everson to recommend the board of adjustment approve the conditional use permit/variance for the existing signs. All members present voting aye, motion carried.

Plat: A Plat of D.W. U., Lot RH-1, A Subdivision of the Replat of Dakota Wesleyan University Campus, City of Mitchell, Davison County, South Dakota. Theresa Kriese, DWU representative, was present to explain the purpose of this plat is to identify the parcel the new residence hall is being constructed. This is also for financing purposes. Motion by Everson, seconded by Molumby to approve this plat. Roll Call: Larson aye, Schmucker aye, Jirsa aye, Molumby aye, and Everson aye. Motion carried.

Chairman Larson adjourned the meeting at 12:25 pm.

  
Chairman

01-22-18  
Date