

**CITY OF MITCHELL
CITY PLANNING COMMISSION MINUTES
MARCH 25, 2019**

Chairman Larson called the March 25, 2019 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, Jirsa, Molumby, Genzlinger, Osterloo & Quenzer

Members absent: Fergen and Allen

Staff Present: Kyle Croce, Stephanie Ellwein, Neil Putnam, John Hegg, Terry Johnson, Justin Johnson, Wade London

Declaration of Conflicts of Interest: Molumby and Osterloo declared conflicts with Agenda Item 13 and Larry Jirsa on Agenda Item 9.

Approval of Agenda: Motion by Molumby, seconded by Genzlinger to approve the agenda as presented. All members present voting aye, motion carried.

Approval of Minutes: Motion by Jirsa, seconded by Genzlinger to approve the minutes of the January 28, 2019 meeting.

Schedule Next Meeting: Motion by Osterloo, seconded by Molumby to schedule the next planning commission for April 8, 2019. All members present voting aye, motion carried.

Conditional Use Permit: Yvonne Steward, applicant, and Mid Dakota Properties, owner, have made an application for a family residential child care center at the property legally described as the S ½ of Lots 1 & 2, Block 14 & N ½ of vacated alley, Rowley's 2nd Addition, NE ¼-21-103-60, City of Mitchell, Davison County, South Dakota located at 517 N Duff Street . The property is zoned R4 High Density Residential District.

The applicant was not present. The commission considered the written comments that they received. Angie Nagel, a neighbor, testified in opposition. She expressed concern about the size of the lot, dogs that often bark and the lack of child supervision. She also expressed concern about parking and presented photographs for the commissions review. Approximately 10 neighbors responded in opposition. The commission discussed the vacated alley.

Letters to the affected property owners were mailed on March 13, 2019 and the notice of hearings were published in the legal newspaper on March 14 & March 21, 2019. The fire marshal has inspected the property and he did not express any concerns. Motion by Molumby, seconded by Osterloo to table the application until the next meeting. All members present voting aye, motion carried.

Plan Approval: McDonald's, 1704 N Main Street, HB Highway Oriented Business District.

Putnam reminded the commission that building plans within HB, CB, and NS districts require planning commission approval. Hegg indicated this project consist primarily of interior remodeling. No change to the exterior. Genzlinger asked if the out of state architect would be on site. Hegg responded yes.

Motion by Molumby, seconded by Jirsa to approve the plan with the condition the architect be on site when construction starts. All members present voting aye, motion carried.

Plan Approval: VFW, 215 N Main St, CB District.

Dr. Martin Christensen presented the plan. He stated the plan is to install an elevator to the rear of the building and install a patio. This is provide accessibility for those in need of assistance. Larry Jirsa, the architect of the project, stated that the fire marshal, with one concern that occupancy be limited to 49 during construction, has approved the plan. The building has sprinklers. Putnam noted that the SD Office of History is reviewing the plan. Dr. Christensen noted the other veteran groups are going to using the building and the plan includes displaying various veteran attractions. It will be available to the public for various functions. Motion by Genzlinger, seconded by Osterloo to approve the plan and the property be signed stating only 49 occupants during construction. Roll call Quenzer yes, Larson yes, Genzlinger yes, Larson yes, Molumby yes, Jirsa abstain. Motion carried.

Plat: A Plat of Lot 21 of Airport Addition, A Subdivision of Previously Platted Lot 2 of Fiala's Addition in the East ¼ of the NW ¼ of Section 4, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. The plat appears to follow the master plan. Motion by Genzlinger, seconded by Jirsa to approve the plat, all the members present voting aye, motion carried.

Plat: A Plat of Lot B-1, Block 1, Sunnyside Addition to the City of Mitchell, Davison County, South Dakota. Michelle Carpenter of Stepping Stones was available to answer questions. They are acquiring this property from the county and the additional area will be fenced. A reversion clause document is being prepared that says that if Dakota Counseling no longer uses the property the ownership returns to the county. Larson suggested there be an access identified on the plat. Motion by Molumby, seconded by Jirsa to approve the plat with the recommendation that an access for ingress/egress is to be identified on the plat. All members present voting aye, motion carried.

Plat: A Plat of Lots 5 & 6 of D. & D. Long's First Addition, A Subdivision of Irregular Tract No. 3 in the Northeast Quarter (NE ¼) of Section 23, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota. The current owners and prospective buyers were present to discuss the plat. The prospective owners wish to construct a single-family house on each of the respective lots. The property is currently outside the city limits. Mattie Street, which will be the frontage street, is not improved, but the right-of-way is platted. There are no utilities in the Mattie Street ROW. The commission discussed whether city utilities and services should be required on the property vs septic tanks and other water sources. The commission discussed future annexation. Ellwein asked if city building codes would be applicable. The new owners express concerns about various costs that may be assessed such as road improvements, fees, or taxes when future development may take place. The buyers said they must vacate their current homes very soon. Croce recommend the commission postpone action until the parties can meet with staff and devise a plan to address city services and future development. He suggested the following conditions and costs of the design and estimate for water, sewer, storm sewer, road improvements and other city requirements that may be the responsibility of the buyers and prepared by a professional engineer. He would also suggest requiring an annexation agreement to be approved by the city and the buyers. Motion by Molumby, seconded by Osterloo to approve the plat with the various conditions stated by staff. All members present voting aye, motion carried.

Discussion and recommendation of vacation of N. Langdon Street commencing at Fair Oaks Avenue going north to East 23rd Avenue. Avera Queen of Peace is looking to install a parking lot just east of their office building on N. Kimball Street. The parking lot would extend over the vacated right-of-way. The city resolution would require that there will be no building on the right of way and the existing utilities will maintain easements. The city has a storm sewer and Northwestern has utilities in the ROW. Additionally, there will be language that states if the utilities need to be serviced, then the property owner would bear the costs of the parking lot replacement and associated costs. There are two other affected property owners James and Grace Radke and RQE Engineers. Molumby and Osterloo have conflicts in regards to action of the commission. Therefore, a quorum on this item was not available. The commission asked about additional taxes and property that would need to be maintained. They also noted that Radke's need access to his garage north of his home. The commission expressed concern about the proposed vacation. They will discuss it more at their next meeting. No action taken.

Public Input: none

Chairman Larson adjourned the meeting at 1:10 pm

Jay L. Larson

09-08-19