

CITY OF MITCHELL  
CITY PLANNING COMMISSION MINUTES  
April 11, 2022

APPROVED

1. Chairperson Larson called the April 11, 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, Jirsa, Genzlinger, Sonne, Penney, Doescher.  
Absent: Osterloo  
Staff Present: Jenniges, J Johnson, T Johnson, Hegg.
3. Declare conflicts of interest- Sonne on item #13 and Genzlinger on item #8.
4. Approval of proposed agenda: Motion by Molumby, seconded by Genzlinger, to approve the proposed agenda. All present members voting aye, motion carried.
5. Approval of proposed minutes: Motion by Penney, seconded by Sonne, to approve the minutes of the March 28, 2022 Planning Commission meeting. All present members voting aye, motion carried.
6. Schedule next meeting: Motion by Molumby, seconded by Genzlinger, to schedule the next meeting for April 25, 2022. All present members voting aye, motion carried.
7. Conditional Use: Amy Hotz has applied for a conditional use permit to operate a Family Residential Daycare; located at 708 E 2<sup>nd</sup> Ave, legally described as Lot 9, Block 16 F M Greene Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R2 Single-Family Residential District. The applicant was not present to answer questions. Notices were sent out to the neighbors and it was published in the official newspaper with three responses in favor and none opposed.  
  
Jenniges explained one of the responses stated the alley is busy and pick up and drop off should be at the street. No fire inspection had been completed yet but the applicant was made aware of the three usual conditions.  
  
Motion by Molumby, seconded by Jirsa, to recommend approval of the Conditional Use Permit with 3 following conditions; 1) license is non-transferable, 2) if business ceases to operate for six months, then a new application would be required, 3) pass a fire inspection. All present members voting aye, motion carried.
8. Conditional Use: Jasmyn Lang has applied for a conditional use permit to operate a Family Residential Daycare; located at 717 W Ash Ave, legally described as Lot 12, Block 10 of Railroad Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R2 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 no responses.

Mrs. Lang stated she is meeting with Northwestern Energy to get an overhead power line repaired that came down with the wind over the past week due to a tree limb falling on it. She will also get an inspection done by the Fire Marshall.

Motion by Jirsa, seconded by Penney, to recommend approval of the Conditional Use Permit with 3 following conditions; 1) license is non-transferable, 2) if business ceases to operate for six months, then a new application would be required, 3) pass a fire inspection. All present members voting aye, Genzlinger abstained, motion carried.

9. Variance: Mike Hauser has applied for a variance for a combination of attached and detached accessory buildings of 3,270 square feet vs 2,000 square feet and height variance of 24, vs 22' for a new accessory building; located at 2021 W 23<sup>rd</sup> Ave, legally described as Lot A of Mason's Addition in the NE ¼ of Section 17, T 103 N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota. The said real property is zoned R4 High Density 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 no responses.

Jenniges explained the applicant intends to tear down the existing shed to the southeast of the house and build a new 42' x 60' shed in its place. There is another garage on the property that also counts towards the combination for attached and unattached accessory buildings. There are no attached accessory buildings on this property, just the wording of the zoning code.

Motion by Jirsa, seconded by Molumby, to recommend approval of the Variance Permit. All present members voting aye, motion carried.

10. Variance: Mitchell Prehistoric Indian Village has applied for a variance for a minimum front yard setback for a Historic Site building of 22' vs 30'; located at 3200 Indian Village Road, legally described as Mitchell Prehistoric Indian Village Site in the NE ¼ of Section 9, T 103 N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota. The said real property is zoned PL Public Lands District. The applicant was present to answer questions. Notices were sent out to the neighbors and it was published in the official newspaper with no responses.

Jenniges explained the City of Mitchell is the only neighboring property to this parcel. The applicants are proposing to tear down the existing building and build a new bigger one in its place. It will be used for cold storage as well as a place to screed dirt that has been excavated at the dig sites.

Jirsa questioned how they can build on historic ground. Jerry Garry representing Mitchell Prehistoric Indian Village stated the corner of the new proposed building will could be constructed on the historical ditch and can be done as long as there is no

excavation of dirt. They will put heavy plastic down to cover the landmark ground and then add fill on top of that and pour concrete on top of that.

Motion by Genzlinger, seconded by Penney, to recommend approval of the Variance Permit with the condition the building be no closer than the existing. All present members voting aye, motion carried.

11. Plat: Plat of Lot 1 of Moore's Addition in the the SE ¼ of Section 9, T 104 N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota; as requested by Ashton Connell. The applicant was not present to answer questions.

Jenniges explained this is outside the ETJ but within the 3-mile of city limits. The County Planning Commission has recommended approval and County Commission will hear it on April 12. The applicant is platting +/- 4.07 acres from her grandmother which is allowed in the county with a variance approved in the Ag District.

Motion by Penney, seconded by Genzlinger, to approve the Plat. All present members voting aye, motion carried.

12. Plat: Lot 8-K, Block 7 of Westwood First Addition, a subdivision of the SW ¼ of Section 16, T 103, N, R 60 W of the 5<sup>th</sup> P.M., City of Mitchell, Davison County, South Dakota; as requested by CJM Consulting Inc. The applicant was not present to answer questions.

Jenniges stated the City of Mitchell received a drainage survey from SPN for this area and was approved by Public Works Director Schroeder. The ditch along the by-pass is going to get cut down to allow for overflow for big rain events. The city withheld issuing building permits for a few months prior to the construction of the two newest buildings until the survey was completed. The applicant is now parceling off the two buildings from the rest of the parcel so the newly constructed buildings can be sold.

Mike Bathke owner of Big Dog Concrete to the southwest of this and has concerns about drainage in this area. He stated this does not follow the master plan for the area and ditches have been filled in and buildings built over culverts. There is also a culvert in the area that has a hog panel across it that is full of debris and won't let water flow through it. In 2019 he had water up to his building. He was unaware of the drainage survey completed by SPN and the city approving it.

Motion by Jirsa, seconded by Sonne, to table the Plat for more information pertaining to drainage of the area. Roll call vote: Larson – aye, Molumby – aye, Jirsa – aye, Osterloo – absent, Genzlinger – aye, Sonne – aye, Penney – aye. 6 aye, 0 nay, 1 absent, motion carried.

13. Master Plan Approval. Groeneweg Construction submitted their master plan for drainage and utilities for Airport Addition. The applicant was not present to answer questions.

Jenniges explained the plat has already been approved, this is showing the drainage and elevations of the lots as well as the infrastructure for the area. The city has a concern with the drainage easement for the 18" line and believes it should be wider than the 10' as shown but the city will require the easement to increase at the time of the building permit.

Motion by Molumby, seconded by Jirsa, to approve the Master Plan. Roll call vote: Larson – aye, Molumby – aye, Jirsa – aye, Osterloo – absent, Genzlinger – aye, Sonne – abstain, Penney – aye. 5 aye, 0 nay, 1 absent, 1 abstain; motion carried.

14. Other Business-None.

15. Public Comment-None.

16. Chairperson Larson adjourned the meeting at 12:31 P.M.

  
Jay Larson  
Planning Commission Chairperson

04-25-2022