

**CITY OF MITCHELL  
CITY PLANNING COMMISSION MINUTES  
JULY 13, 2020**

Chairman Larson called the July 13, 2020 meeting to order at 12:00 PM (Noon) in the Council Chambers, City Hall, 612 N Main St, Mitchell, SD.

Members Present: Larson, Genzlinger, Osterloo, Vaux, Jirsa, Penney, Molumby, and Allen  
Members Absent: none

Staff Present: Putnam, J. Johnson, T. Johnson, Croce, Schroeder, Sandoval, London, and Mayor Everson

Brad Penney introduced himself as the newest member of the planning commission.

Election of Chairperson for a 1 year term from July, 2020 to July 2021. Motion by Molumby, seconded by Jirsa to nominate Jay Larson and that nominations cease and a unanimous ballot be cast. All members voting aye, with the exception of Larson abstaining. Motion carried.

Election of Vice- Chairperson for a 1 year term from July 2020 to July 2021. Motion by Osterloo, seconded by Jirsa to nominate Doug Molumby and that nominations cease and a unanimous ballot be cast. All members voting aye, with the exception of Molumby abstaining. Motion carried.

Declaration of conflicts of interest: none

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

Approval of minutes: June 22, 2020 Meeting. Motion by Jirsa, seconded Osterloo to approve the minutes of the June 22, 2020 Meeting. All members present voting aye, motion carried.

Schedule Next Meeting: Motion by Genzlinger, seconded by Molumby to schedule the next meeting for July 27, 2020. All members present voting aye, motion carried.

Plat: A Plat of Tract A of Stratton's Addition in the South 940.50' of the SW ¼ of Section 1, T 103 N, R 61 W of the 5<sup>th</sup> P.M., Davison County, South Dakota. The plat is outside the city's zoning jurisdiction, but within the 3 mile platting jurisdiction. Motion by Molumby, seconded by Jirsa to approve the plat. All members present voting aye, motion carried.

Plat: Lot 2 in Tract H, Wild Oak Golf Club Addition to the City of Mitchell, Davison County, South Dakota. This plat appears to follow the master plan. Motion by Osterloo, seconded by Molumby to approve the plat. All members present voting aye, motion carried.

Conditional Use Permit: Logan and Chelsey Smith have applied for a conditional use permit to operate a family residential childcare center in their home at 1008 E 7<sup>th</sup> Ave, legally described as Lot 13, Block 13,

Wilkinson's Addition, City of Mitchell, Davison County, South Dakota. No one testified in opposition. The applicant was not present. No written objections were received. Letters to the neighbors were sent and a public notice was published in the official newspaper. The fire marshal has inspected the property. Motion by Genzlinger, seconded by Jirsa 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 to operate for six months, then a new application would be required. All members present voting aye, motion carried.

Variance: Michael Miller has applied for a back yard variance of 13 feet vs 15 feet as required for replacing a detached garage that was destroyed by a fire located at 412 N Burr St, legally described as Lots 6A & 7A, Block 31, Cooley & Guernsey Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned R2 Single Family Residential District. Mr. Miller was present. He said the fire was in December and he wishes to replace it just like it was before. No one testified in opposition and no written comments were received. Motion by Jirsa, seconded by Vaux to recommend the Board of Adjustment approve the variance. All members voting aye, motion carried.

Variance: Adam & Katie Koch have applied for a side yard variance of 3 feet vs. 8 feet as required for construction of a garage at 2212 Kelly Drive legally described as Lot 1 Ex W 150 feet, Country Living Estates, NE ¼, Section 14, T 103 N, R 60 W, Davison County, South Dakota. The applicant was not present. No one spoke in opposition and no written objections were received. Motion by Jirsa, seconded by Genzlinger to recommend approval of the variance. All members present voting aye, motion carried.

Discussion and Recommendation of Right-of-Way between 1419 and 1415 Firesteel Drive. Putnam provided the commission and map showing the location of a short alley that does have city utility lines installed. The city has received petitions from all three affected property owners and a hearing before the council has been scheduled for August. Staff recommends that easements be retained and that no construction be allowed on the vacated ROW. Motion by Molumby, seconded by Jirsa to recommend approval of the vacation request, with the conditions that easements be maintained and not construction. All members voting aye, motion carried.

Discussion and Recommendation of Right-of-Way 103 and 99 N Harmon Dr. Jason Bradley, owner of 103 N Harmon Dr, was present. It was discovered that a major gas line for Northwestern Energy is located within the ROW and is also on Mr. Bradley's property. The neighboring property owners have been maintaining the property. Putnam reported that is a platted ROW (street). The owner of the property to the east has not filed a petition. Larson suggested that it may not be appropriate to abandon this ROW for future planning and access. Croce indicated the same concern. Sandoval responded to questions about fire access. Motion by Vaux, seconded by Osterloo to recommend approval of the vacation; Roll Call, Vaux yes, Osterloo yes, Molumby no, Larson no, Penney no, Genzlinger no, Jirsa no. Two yes Five no, motion fails.

Discussion and Recommendation of Right-of-way: Ivy Ave ROW between S Kimball Street and S Lawler Street. Putnam indicated that he has received petitions from the adjoining property owners. The council will conduct a hearing in August. Larson asked about drainage and projects in the area. Commissioners expressed concern about abandoning the ROW at this time. Motion by Genzlinger, seconded by Jirsa to recommend denial of the vacation. Roll Call: Vaux yes, Larson yes, Jirsa yes, Genzlinger, Penney yes, Osterloo yes, Molumby yes. Motion carried.  
Public Input: none

Chairman Larson adjourned the meeting at 12:40 PM

Jay A. Larson

07-27-2020