

CITY OF MITCHELL  
CITY PLANNING COMMISSION MINUTES  
SEPTEMBER 12, 2022

9/12/2022 - Minutes

**1. Call To Order:**

*Chairperson Larson called the September 12, 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: Genzlinger, Jirsa (telephonically), Larson, Osterloo, Penney, Schmitz, Sonne, Doescher.*

*Absent: None.*

*Staff Present: Ellwein, Mayor Everson, Hegg, Jenniges, J Johnson, T Johnson, Schroeder.*

**3. Declaration Of Conflicts Of Interests**

*Sonne-agenda item numbers, 11, 12 and 13.*

**4. Approve Agenda:**

*Motion by Genzlinger, seconded by Schmitz to approve the proposed agenda. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – aye, Schmitz – aye, Sonne – aye. 7 aye, 0 nay; motion carried.*

**5. Approval Of Previous Minutes 8-22-22.**

*Motion by Schmitz, seconded by Sonne to approve the proposed minutes of the August 22, 2022 Planning Commission meeting. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – aye, Schmitz – aye, Sonne – aye. 7 aye, 0 nay; motion carried.*

**6. Schedule Next Meeting-9-26-22 @ 12:00 P.M.**

*Motion by Penney, seconded by Osterloo to set the date for the next Planning Commission meeting for September 26, 2022. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – aye, Schmitz – aye, Sonne – aye. 7 aye, 0 nay; motion carried.*

**7. Plat: Lots 1, 2, And 3 Of McCloud's Addition, In The N ½ Of The NW ¼ Of Section 14, T 102 N, R 60 W Of The 5th P.M., Davison County, South Dakota; As Request By Daniel & Chauna McCloud.**

*Jenniges explained this is outside the ETJ but within the 3-mile so the city has to approve it as well but it is Davison County's zoning jurisdiction. The applicant is doing some estate planning and replatting their land. It was approved by Davison County Planning Commission on September 6 and will go in front of Davison County Commission on September 21. The applicant was not present to answer questions.*

*Motion by Schmitz, seconded by Penney to approve the plat. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – aye, Schmitz – aye, Sonne – aye. 7 aye, 0 nay; motion carried.*

**8. Plat; Tract 1 Of Devonne's Addition, In The NW 1/4 Of Section 19, T 104 N, R 60 W Of The 5th P.M., Davison County, South Dakota, Except Lot H1, Thereof.; As Request By Glen & Devonne Sommer.**

*Jenniges explained this is outside the ETJ but within the 3-mile so the city has to approve it as well but it is Davison County's zoning jurisdiction. The applicant's land is currently described by measurements so they are not able to acquire a building permit, they are coming in compliance with the Davison County Zoning Ordinance by platting it. It was approved by Davison County Planning Commission on September 6 and will go in front of Davison County Commission on September 21. The applicant was not present to answer questions.*

*Motion by Schmitz, seconded by Sonne to approve the plat. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – aye, Schmitz – aye, Sonne – aye. 7 aye, 0 nay; motion carried.*

**9. Plat: Lot 9, Block 5 Of The Woods First Addition, A Subdivision Of The East 1/2 Of The SW 1/4 Of Section 23, T 103 N, R 60 W Of Th 5th P.M., City Of Mitchell, Davison County, South Dakota.; As Requested By CJM Consulting Inc.**

*Jenniges explained this follows the master plan of the area. The abutting land owner is the purchaser of the property. The applicant was present to answer questions.*

*Motion by Genzlinger, seconded by Osterloo to approve the plat. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – aye, Schmitz – aye, Sonne – aye. 7 aye, 0 nay; motion carried.*

**10. Approval Of Master Plan-Sharpstone Deuce LLC.**

*Jenniges explained the layout of the property with the 13 proposed lots and the one way street. There will be a HOA that will be responsible for the street and utilizes. They provided a preliminary drainage plan.*

*Schroeder noted he has seen the preliminary plan and will continue to review. There is an existing drainage basin there already. There will be a developers agreement and Public Works has no issues.*

*The applicant was available for questions.*

*Motion by Genzlinger, seconded by Sonne to approve the master plan. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – aye, Schmitz – aye, Sonne – aye. 7 aye, 0 nay; motion carried.*

**11. Approval Of Master Plan-Mueller Lumber-Morningview.**

*Jenniges explained the layout of the property with the property. There will need to be some approvals or changes to road names, but they are approving the concept of the project today. They provided a preliminary drainage plan.*

*Schroeder noted he has seen the preliminary plan and will continue to review. There will be a developers agreement and Public Works has no issues.*

*The applicant noted this is a continuation of MLC Addition.*

*Motion by Schmitz, seconded by Osterloo to approve the master plan. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – aye, Schmitz – aye, Sonne – abstain. 6 aye, 0 nay, 1 abstain; motion carried.*

**12. Approval Of Master Plan-Jensen Capital And Development LLC-Stardust.**

*Jenniges explained the layout of the property with the property. The west properties all fit within the existing zoning code, there may need to be a PUD for the east block, but they are approving the concept of the project today. They provided a preliminary utility and drainage plan.*

*Schroeder noted he has seen the preliminary plan and will continue to review. There will be a*

developers agreement and Public Works has no issues.

The applicant was present for questions.

*Motion by Schmitz, seconded by Penney to approve the master plan. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – aye, Schmitz – aye, Sonne – abstain. 6 aye, 0 nay, 1 abstain; motion carried.*

### **13. Conditional Use Permit: Jacob & Jena Sonne-1120 Sunnyside Ct.**

*Jacob & Jena Sonne have applied for a conditional use permit to operate a Family Residential Daycare; located at 1120 Sunnyside Ct, legally described as Lot 10 of R.W. Mueller's 1<sup>st</sup> Addition, a subdivision of portions of Blocks 7 and 8, Sunnyside Addition to the City of Mitchell, Davison County, South Dakota. The said real property is zoned R4 High Density Residential District.*

*Jenniges explained neighbors were notified and it was published in the paper with two responses in favor of the conditional use. The applicant was present for questions. They have had and passed a fire inspection already.*

*Sonne noted his wife has a bachelors degree from SDSU in Early Childhood Development and is looking forward to starting the daycare.*

*Motion by Genzlinger, seconded by Penney to recommend approval of the conditional use with the following 3 conditions; 1) the permit is non-transferable, 2) if the business ceases to operate for six months, then a new application would be required, 3) pass fire inspection. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – aye, Schmitz – aye, Sonne – abstain. 6 aye, 0 nay, 1 abstain; motion carried.*

### **14. Conditional Use Permit: HiWings LLC-40580 250th St.**

*HiWings LLC has applied for a conditional use permit to operate an Assembly Hall; located at 40580 250<sup>th</sup> St, legally described as Kelley Tract 1, a subdivision of the Southwest ¼ of the Southeast ¼; Kelley Tracts 1A and 2, a subdivision of the South ½ of the Southeast ¼; West 208.75' of South 208.75' of the Southeast ¼ of the Southeast ¼; all in Section 36, T 104 N, R 60 W of the 5<sup>th</sup> P.M., City of Mitchell, Davison County, South Dakota. The said real property is zoned UD Urban Development District.*

*Jenniges explained the neighbors were notified and it was published in the paper with one response with some questions that did not make the packet. The applicant was available to answer questions.*

*Don Peterson, representing HiWings LLC, stated the assembly hall will be used for wedding venues, small group gatherings, bed and breakfast, hunting groups staying but not hunting there, etc. They plan to level some ground to create more parking and will give the shed a facelift.*

*Hegg noted that any buildings holding the assembly halls will have to come in compliance with building code.*

*Jeff Harris did not receive a letter because he was outside the 140' required by ordinance and believes that should be extended further. He stated there are million dollar houses on each side of this and has concerns about noise, law enforcement and fireworks. He also believes this is a conflict of interest for the city and that the city will allow them to do anything there so they can sell the property. He also has concerns over the amount of traffic and the dust it will create.*

*Schroeder noted that if there were to be fireworks on the property a permit would be required and Peterson also noted that his clients know about the permits needed for fireworks and noise to follow city ordinances.*

*Shirley Thompson recently purchased the land to the east and they are in the county and zoned ag and intend to have animals there and is concerned about the noise bothering those animals or the smell from*

the animals and get complaints from the assembly hall about it. She also has four children that they require 10 to 12 hours of sleep a night and wonders how often the venue will be used? She also has concerns with the amount of traffic as there is already more out there than she was anticipating when they moved out there.

Ralph Kiner questioned the alcohol sales on the property and concern over the noise from live bands.

Denny Kiner has concerns with the roads and dust and knows from being a Davison County Commissioner the cost to put mag chloride on the roads and that the county can not afford to do that or set precedence by doing it in only certain locations. He has concerns with traffic and the intersection of 250th St and 406th Ave, in the past someone went down his driveway and took out a tree.

Jean Starr has concerns over the alcohol sales out there, will people be able to bring their own? She is also concerned about the amount of traffic, she already has people turning around in her driveway.

Peterson noted they are not inventing anything new, there are these types of venues around the area. His clients will have to get insurance for the property and the insurance will have requirements for alcohol consumption or sales.

Tom Starr questioned the occupancy load of the buildings and the number of bathrooms required and if the services to the facilities will be able to handle it.

Loren VanOvershield stated the Kelley property and his were the first two out there. He likes the quite. He has safety concerns and whose jurisdiction it is to respond.

Jirsa noted that if any existing buildings use gets change then they have to be brought up to that code for that use and maybe they find out that is a big expense and don't use the assembly hall conditional use.

Peterson stated they are doing the first step in acquiring the conditional use permit and the concept, the next step will be to meet the building code requirements. They know they city will not allow them to operate until that is met.

Motion by Jirsa, seconded by Genzlinger to recommend approval of the conditional use. Roll call vote: Genzlinger – nay, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – aye, Schmitz – nay, Sonne – nay. 4 aye, 03nay; motion carried.

#### **15. Conditional Use Permit: Flats On Havens LLC-1525 W Havens Ave.**

Flats on Havens LLC has applied for a conditional use permit to operate a Multi-Family Dwelling; located at 1525 W Havens, legally described as Block 4, Sunnyside Addition to the City of Mitchell, Davison County, South Dakota, except the E 175' thereof; except the N 151.45' of the W 167' thereof; except the N 50' of the W 50' of the S 165' of the E 55' of Block 4 thereof; and except Lots H-4 and H-5. The said real property is zoned HB Highway Business District.

Jenniges explained neighbors were notified and it was published in the paper with no response for or against. The applicant was available for questions.

Nathan Stencil, owner of the property, stated a hotel is not feasible there anymore so they are looking at ways to make a profit. The bones/structure of the building are still good. They plan to renovate the existing hotel and create a 90 unit apartment complex for workforce housing. They will be updating interior and exterior of the facility.

Motion by Genzlinger, seconded by Schmitz to recommend approval of the conditional use. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – aye, Schmitz – aye, Sonne – aye. 7 aye, 0 nay; motion carried.

#### **16. Plan Approval-Flats On Havens LLC-1525 W Havens Ave.**

*Jenniges explained the applicant submitted preliminary site drawings including parking, lighting, landscape and drainage. The city will continue to review any plans before issuing a building permit.*

*The applicant was present to answer any questions.*

*Motion by Osterloo, seconded by Penney to approve the plan. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – aye, Schmitz – aye, Sonne – aye. 7 aye, 0 nay; motion carried.*

**17. Hearing And Action On Establishing The Boundaries And Approval Of The Project Plan For Tax Increment Financing District #28.**

*Nathan Stencil gave a brief overview of the TIF. They are creating 90 workforce housing apartment with it and those have to be rented at or below 80% of median income guidelines provided by the state. He stated that the project would be financially feasible without the TIF.*

*Ellwein noted the City of Mitchell staff did an internal review of the TIF and made comments and questions regarding the TIF. The applicants made changes and resubmitted it.*

*J. Johnson noted that after the changes were made the TIF meets city and state statutory requirements for the TIF.*

*Motion by Genzlinger, seconded by Sonne, to set the boundaries for TIF District #28 to include the following:*

*Block 4, Sunnyside Addition to the City of Mitchell, Davison County, South Dakota, except the E 175' thereof; except the N 151.45' of the W 167' thereof; except the N 50' of the W 50' of the S 165' of the E 55' of Block 4 thereof; and except Lots H-4 and H-5.*

*Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – aye, Schmitz – aye, Sonne – aye. 7 aye, 0 nay; motion carried.*

*Motion by Penney, seconded by Osterloo to approve the project plan and recommend approval of TIF District #28. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – aye, Osterloo – aye, Penney – aye, Schmitz – aye, Sonne – aye. 7 aye, 0 nay; motion carried.*

**18. Other Business:**

*Discussion on Simply Store It, the history or the approved conditional use permit and the possibility of allowing outside commercial storage as a Conditional Use Permit in the Highway Business District. The overall consensus of the board is that they would not be in favor of allowing it in Highway Business.*

**19. Public Input: If You Need To Address The City Planning Commission On An Item That Was Not On The Agenda, Excluding Personnel Items, Please Come Forward To The Podium And State Your Name And Your Concern. Presentations Are Limited To Three Minutes. Items Will Be Considered But No Action Will Be Taken At This Time.**

*None.*

**20. Adjournment:**

*Chairperson Larson adjourned the meeting at 1:22 P.M.*



Jay A. Larson