

CITY OF MITCHELL  
CITY PLANNING COMMISSION MINUTES  
September 13, 2021

APPROVED

1. Chairperson Larson called the September 13, 2021 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, Genzlinger, Jirsa, Osterloo, Sonne, Doescher.  
Absent: Penney.  
Staff Present: Jenniges, Schroeder, J. Johnson,, Hegg, Ellwein, Mayor Everson.
3. Declare conflicts of interest-Jirsa item # 17 & 18, Genzlinger item # 11 & 18 and Osterloo item # 18.
4. Approval of proposed agenda: Motion by Genzlinger, seconded by Sonne, to approve the proposed agenda. All present members voting aye, motion carried.
5. Approval of proposed Minutes: Motion by Jirsa, seconded by Genzlinger, to approve the minutes of the August 23, 2021 Planning Commission meeting. All present members voting aye, motion carried.
6. Approval of amended Minutes: Motion by Osterloo, seconded by Molumby, to approve the amended minutes of the August 26, 2021 Planning Commission meeting. All present members voting aye, motion carried.
7. Schedule next meeting: Motion by Molumby, seconded by Osterloo, to schedule the next meeting for September 27, 2021. All present members voting aye, motion carried.
8. Variance: Boyd Reimnitz has applied for a front-yard variance of 7 feet vs 25 feet as required for construction of an attached garage at 719 S Edmunds St and the application was tabled at the July 26<sup>th</sup> Planning Commission meeting. Boyd Reimnitz has changed his application to a front-yard variance of 19 feet vs 25 feet for a front entry addition, legally described as Lots 5 & 6 Block 9 Van Eps 2<sup>nd</sup> Addition, City of Mitchell, Davison County, South Dakota. The applicant was not present to answer questions. Notices were sent out to the neighbors and it was published in the official newspaper with the original 2 opposed and 1 new response in favor and 1 new response opposed to the variance. Genzlinger and Osterloo voiced their concern about no plans or drawings being provided.

Motion by Molumby, seconded by Genzlinger, to table until a site plan and building plans with elevations be provided. Roll call vote: Larson – aye, Molumby – aye, Jirsa – aye, Osterloo – aye, Genzlinger – aye, Sonne – aye, Penney– absent. 6 aye, 0 nay, 1 absent, motion carried.

9. Variance: Faith Missionary Church has applied for a variance for the following:

- A. West side yard setback of 0' vs 3' on Lot 3 & E 33' of Lot 4 in Block 3 of Gleasons Addition.
- B. East side yard setback of 0' vs 3' on Lot 4 except the E 33' & Lot 5 in Block 3 of Gleasons Addition.
- C. Rear yard setback of 20' vs 25' on both above parcels.

All for an addition of a 38' x 57' building crossing parcel lines located at 1025 E 6<sup>th</sup> Ave, legally described as Lot 4 except the E 33' & Lot 5 in Block 3 of Gleasons Addition in the NE ¼ of Section 22, T 103 N, R 60 W of the 5<sup>th</sup> P.M., city of Mitchell, Davison County South Dakota and Lot 3 & E 33' of Lot 4 in Block 3 of Gleasons Addition in the NE ¼ of Section 22, T 103 N, R 60 W of the 5<sup>th</sup> P.M., City of Mitchell, Davison County, South Dakota. This request was tabled at the last meeting due to lack of information to the board. No new responses were received. The applicant was present to answer questions. A warranty deed was provided in the packet showing the two parcels are now owned by the same entity.

Pastor Tim Stafford provided a site plan showing the layout of the facility with the parking. They are using Dakota Pro Stripping to do the layout, also they are able to use the green space to the west under the multi-use agreement already in place.

Motion by Genzlinger, seconded by Jirsa, to recommend the Board of Adjustment approve the variance request. Roll call vote: Larson – aye, Molumby – aye, Jirsa – aye, Osterloo – aye, Genzlinger – aye, Sonne – aye, Penney – absent. 6 aye, 0 nay, 1 absent, motion carried.

10. Conditional Use: Brooke Hartman has applied for a conditional use permit to operate a family residential childcare center in her home at 317 E 4<sup>th</sup> Ave, legally described as Lots 2, Block 27 Original Mitchell, City of Mitchell, Davison County, South Dakota. The applicant was present to answer questions. Notices were sent out to the neighbors and it was published in the official newspaper with 2 responses in favor and none opposed to the CUP. Fire Marshall Sandoval has completed an inspection.

Brooke Hartman stated the kids will be located on the main floor and there are two exits on the main floor. She has not owned a day care before but has worked at a daycare center before.

Motion by Osterloo, seconded by Molumby, to recommend the Board of Adjustment approve Conditional Use Permit with two conditions; 1) the permit is non-transferable, 2) if the business ceases to operate for six months, then a new application would be required. All present members voting aye, motion carried.

11. Variance: Stacy Nettinga has applied for a rear-yard variance of 0 feet vs 3 feet required for construction of a garage addition at 204 W 11<sup>th</sup> Ave, legally described as Lot 11, Block 29 of Capital Addition, City of Mitchell, Davison County, South Dakota. The

applicant was present to answer questions. Notices were sent out to the neighbors and it was published in the official newspaper with 3 responses in favor and 0 opposed to the variance.

Stacy Nettinga owns the land to the west, there is already an easement in place between the two properties. The garage door will face west and not the alley and the garage will be mainly for storage. The setback will end up being 1' - 4" instead of 0' after he found the pins in the ground and laid out the project with the addition matching the existing garage and there being no overhangs.

Public Works Director Schoeder stated public works does not support 0' setbacks in alleys because it decreases alley widths for maintenance and snow removal.

Motion by Osterloo, seconded by Jirsa, to recommend the Board of Adjustment approve the variance request. Roll call vote: Larson – aye, Molumby – aye, Jirsa – aye, Osterloo – aye, Genzlinger – abstain, Sonne – aye, Penney – aye. 5 aye, 0 nay, 1 abstain, 1 absent, motion carried.

12. Variance: George Morgan has applied for a side-yard variance of 0 feet vs 3 feet as required for enclosing and existing non-conforming carport at 414 N Davison St, legally described at Lot 6A and W ½ of Lot 5A, Block 30 of Cooley and Guernsey Addition, City of Mitchell, Davison County, South Dakota. The applicant was present to answer questions. Notices were sent out to the neighbors and it was published in the official newspaper with 1 response in favor, 0 opposed to the variance and 1 person stopped in questioning the application but did not turn in any response. The existing carport crosses onto the neighbors land. There was an easement filed and provided from the neighbor to the north. Future owners will be made aware during title work at purchase time of the property, both properties are currently listed for sale.

Motion by Jirsa, seconded by Sonne, to recommend the Board of Adjustment approve the variance request with the condition the neighboring land owner must be on the building permit application. Roll call vote: Larson – nay, Molumby – aye, Jirsa – aye, Osterloo – aye, Genzlinger – aye, Sonne – aye, Penney – absent. 5 aye, 1 nay, 1 absent, motion carried.

13. Rezone: Jack Earl d/b/a Oh My Carpet is requesting the following property legally described as E 71' of Lot 5 and Lot 6, Block 18 of Van Eps 1<sup>st</sup> Addition in the SE ¼ of Section 21, T 103 N, R 60 W of the 5<sup>th</sup> P.M., City of Mitchell, Davison County, South Dakota from R3 Medium Residential District to HB Highway Oriented Business District and the Official Zoning Map be changed to reflect the same. The applicant would like to rezone so he can start a business there. The applicant was present to answer questions. Notices were sent out to the neighbors and it was published in the official newspaper with 1 response in favor and 1 opposed to the rezone. City Planner Jenniges noted that if the rezoning were approved a project plan would have to be approved by the board as per ordinance.

Jack Earl stated he would like to move his business to this location so he can have a small showroom and warehouse. He plans to take down the existing house and build a 32' or 36' by 60' shed. There would not be a lot traffic or customers but the new place would allow him to lay out plans with customers.

Marlyce Knock spoke against the rezoning. Believes the neighborhood should stay residential and doesn't want more traffic, there is already enough with M&H and UPS close by. There are other locations in the town to put a business.

Genzlinger and Jirsa voiced their opinions that this is encroaching on residential area and don't think it HB should move across Fir St.

Motion by Genzlinger, seconded by Jirsa, to recommend denial of the rezoning request. Roll call vote: Larson – aye, Molumby – aye, Jirsa – aye, Osterloo – nay, Genzlinger – aye, Sonne – aye, Penney – absent. 5 aye, 1 nay, 1 absent, motion carried.

14. Plat: A Plat of Lot 3 of Mirky's Addition, an Addition in the s ½ of the SE ¼ of Section 11, T 102 N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota; as requested by Britt Bruner. The applicant was not present to answer questions. This is located outside the ETJ but within 3 miles of city limits. County Planning Commission has heard and recommended approval, County Commission will hear it 9-21-21.

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

15. Plan Approval: Budget Inn is proposing to change their flat roof to a pitched roof due to damages from a storm earlier in the summer. The business is located at 1518 W Havens and is zoned Highway Business. They previously did roof change to the north building which can be seen in the packet from the GIS views. The applicant was not present to answer questions. Due to the square footage of the buildings Building Inspector Hegg will need stamped drawings for the trusses and the applicant knows this already.

Motion by Jirsa, seconded by Osterloo, to approve the plan. Roll call vote: Larson – aye, Molumby – aye, Jirsa – aye, Osterloo – aye, Genzlinger – aye, Sonne – aye, Penney – absent. 6 aye, 0 nay, 1 absent, motion carried.

16. Plat: A Plat of Lot 2, Block 1 of Westwood First Addition, A Subdivision of the SW ¼ of Section 15, T 103 N, R 60 W of the 5<sup>th</sup> P.M., Davison County, South Dakota; as requested by CJM Consulting, Inc. The applicant was present to answer questions.

Chuck Mauszycki Jr. representing CJM Consulting Inc. stated Floor to Ceiling will be purchasing the land. He is excited for the land to become developed.

Motion by Osterloo, seconded by Genzlinger, to approve Plat with the condition an elevation certificate be provided . All present members voting aye, motion carried.

17. Plan Approval: Lynda Price is proposing to remodel the interior of the old BPI building located at 215 N Lawler St, it is zone Central Business. The applicant was not present to answer questions but Larry Jirsa Architect of the project was.

Larry Jirsa stated this will be a multi-use occupancy building of B-A-M. The building will be sprinkled and a new elevator installed as well as 2 new stairwells. The basement will become an office space and storage for the owner, first floor will become retail space and second floor space will become a possible bar with a golf simulator. All future tenants will have to apply for applicable permits.

Motion by Molumby, seconded by Osterloo, to approve the plan. Roll call vote: Larson – aye, Molumby – aye, Jirsa –aye, Osterloo – aye, Genzlinger – aye, Sonne – aye, Penney– absent. 6 aye, 0 nay, 1 absent, motion carried.

Planning Commission member Penny joined the meeting telephonically at 12:48 P.M.

18. Hearing and Action on Establishing the Boundaries and Approval of the Project Plan for Tax Increment Financing District # 26.

Don Peterson representing MADC and John Adamo gave the following overview of the TIF. The old Crafty Fox, the vacant lots to the north, Main St and 3<sup>rd</sup> Ave are in the boundaries as shown in the packet. The plan is to have a commercial space on the first floor of the building and 28 single bedroom apartments on floors 2-4. The vacant lots will be used for resident parking as well as customer parking for the commercial space. Garages will be built on the vacant lots as well as possibly another commercial building. The streets were included to do some streetscapes at the same time. This is a \$1.2 million TIF Grant which will not go again the bonding capacity of the city. The goal is for the project to be assessed at \$1.5 million and pay off within 20 years.

City Administrator Ellwein brought up the recent community vision process with the number one and two concerns of those surveyed being Lake Mitchell issues and the deterioration of downtown Mitchell.

City Attorney Johnson reminded the Planning Commission of their role for TIF's and that is to set the boundary and recommend approval of the plan if they so see fit.

Motion by Molumby, seconded by Sonne, to set the boundaries for TIF District #26 to include the following:

The South 20' of Lot 6 and all of Lots 7, 8, 9, 10, 11, and 12, all in Block 3, Original Town (now city) of Mitchell, Davison County, South Dakota; and

Lots 1 and 2, Block 8, Original Town (now city) of Mitchell, Davison County, South Dakota; and

The alleyways directly West of and abutting the above described Lots in Blocks 3 and 8; and

The 3rd Avenue right of way from its intersection with the East side of Rowley Street to its intersection with the West side of Lawler Street, including all sidewalks and alleys situated therein; and

The Main Street right of way from its intersection with the North side of 2nd Avenue to its intersection with the South side of 4th Avenue, including all sidewalks situated therein.

Roll call vote: Larson – aye, Molumby – aye, Jirsa – abstain, Osterloo – abstain, Genzlinger – abstain, Sonne – aye, Penney– aye. 4 aye, 0 nay, 3 abstain, motion carried.

Motion by Sonne, seconded by Molumby, to approve the project plan and recommend approval of TIF District #26. Roll call vote: Larson – aye, Molumby – aye, Jirsa – abstain, Osterloo – abstain, Genzlinger – abstain, Sonne – aye, Penney– aye. 4 aye, 0 nay, 3 abstain, motion carried.

19. Other Business-None.

20. Public Comment-None.

21. Chairman Larson adjourned the meeting at 1:15 P.M.



Jay Larson  
Planning Commission Chairperson

09-27-2021