

**CITY OF MITCHELL
CITY PLANNING COMMISSION
MINUTES, OCTOBER 22, 2018**

Chairman Larson called the October 22, 2018 City Planning Commission Meeting to order at 12:00 pm in the Council Chambers, City Hall, 612 N Main St.

Members Present: Larson, Fergen, Genzlinger, Jirsa, Molumby, and Osterloo
Members Absent: Quenzer & Allen

Staff Present: Putnam, T. Johnson, J. Johnson, Sandoval, Ellwein and Mayor Everson

Declaration of Conflicts of Interest: Genzlinger disclosed a conflict on Item #11 and will not participate in the discussion and vote.

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

Approval of Minutes: Motion by Genzlinger, seconded by Jirsa to approve the minutes of the October 9, 2018 meeting. All members present voting aye, motion carried.

Schedule Next Meeting: Motion by Fergen, seconded by Osterloo to schedule the next meeting for November 13, 2018. All members present voting aye, motion carried.

Plan Approval: 901 N Main St, Le Reve Salon Studies, Central Business District: Levi Hanten, owner, was present to answer questions. He indicated that they plan to convert the drive up addition to a coffee shop. Motion by Fergen, seconded by Jirsa to approve the plan. All members present voting aye, motion carried.

Plat: A Plat of Lots 7-A and 7-B, Block 92, John Lawler's Second Addition to the City of Mitchell, Davison County, South Dakota. The purpose of this plat is to address encroachments and facilitate future transfers. Motion by Genzlinger, seconded by Molumby to approve the plat. All members present voting aye, motion carried.

Conditional Use Permit: John & Lisa Mentele has applied for a conditional use permit/massage business/home occupation at their home located at 1206 W Hanson Ave, legally described as Lot 9, Western Heights Addition, City of Mitchell, Davison County, South Dakota. The property is zoned R3 Medium Density Residential District. The public notices were and soon to be published in the official newspaper on October 11 & 25, 2018 and letters to the neighbors were mailed on October 10, 2018. Lisa Mentele was present to answer questions. No one testified in opposition. There was no written objections. Mentele said this activity is a part-time business, as she works full-time elsewhere. She asked for an exception of a sign. Molumby asked about the entry way and she responded that it has been there for a while, but has been modified as to prevent water from getting into the basement. Larson asked if this by appointment only and about off-street parking. She responded that yes her business is appointment only and that she has room to park in front of her house. She has been operating for some time. Motion by Jirsa, seconded by Molumby to recommend the Board of Adjustment approve the

conditional use permit with two conditions: 1) the permit is not transferable and 2) the sign that is on the property cannot be any larger. Roll Call: Jirsa yes, Fergen yes, Genzlinger yes, Molumby yes, Osterloo yes, Larson yes, Quenzer absent. Motion carried 6 yes 0 no 1 absent.

Bill & Pamela Wittstruck have applied for a front yard variance of 0 feet vs. 35 feet as required for construction of an unenclosed carport at their home at 316 Hackberry Ave, legally described as Lots 10 & 11, Block 4, Weaver's Squares Addition, City of Mitchell, Davison County, South Dakota. The property is zoned HB Highway Oriented Business District. Mr. Wittstruck was present. No one testified in opposition. The commission reviewed written comments. The applicant and Northwestern Energy have come to an understanding about the project and it is to be compliant with the company's standards. Mr. Wittstruck answered questions about the features of construction. The public notice was published on October 11, 2018 and letters to the neighbors were sent October 10, 2018. Motion by Jirsa, seconded by Molumby to recommend the Board of Adjustment approve the variance with the condition the new structure is not enclosed. Roll Call: Larson yes, Molumby yes, Jirsa yes, Genzlinger no, Osterloo no, Fergen abstain, and Quenzer absent. Motion passes 3 yes, 2 no, 1 abstention, 1 absent.

Rezoning: Dave Bechen applicant and Mitchell Concrete Products Co. have requested the real property described as Lots 1, 2, 3, 4, 13, 14 and the N 200 feet of the vacated alley in Block 24, Rowley's 2nd Addition, City of Mitchell, Davison County, South Dakota be rezoned from R2 Single Family Residential District to TWC Transportation, Warehousing, and Commercial District. Dave Bechen applicant was present. The public notice was and to be published in the official newspaper on October 11, 25, and November 8, 2018. The letters to the neighbors were mailed on October 10, 2018. The commission reviewed the written comments that they received.

Bechen presented his plan for construction of an 80' x 50' building on the SW corner of N. Minnesota and W. 8th Avenue. The building will house his electrical business. The access will be off Minnesota and Montana streets. He would remove some trees in order to accommodate installation of utilities. He said, he does not sell materials and would have very little foot traffic. He is a small company with two other employees. He pointed out the number of driveways on Minnesota and other streets in which vehicles back out. He said it would be a nice building.

Fergen, was asked if the substation was planned to be moved. He thought it was more likely that there be rebuilt on the existing site.

Dwight Stadler of 700 W 7th Ave testified in opposition to the rezoning. He presented a number of petition signatures. He is the designated spokesperson of the opposition. He present photos of an area of the city in which he suggested that Mr. Bechen should locate his building. Stadler stated that Bechen indicated he was attracted to this property due to that he could get it cheaper. Stadler also expressed safety concerns about the accesses that are proposed. He said this will add to the congestion and that Minnesota Street is a main arterial street. He mentioned the 7th and Minnesota Street has a lot of 'rolling stops'. Statler said that in his experience that property values drop when industry enters residential areas. He also quoted the purpose statement from the zoning code.

Kim Weitalla, Mitchell resident and County Commissioner, stated Bechen is a wonderful neighbor and this project would improve the tax base for the county. She did not think anyone would build a house on the lots. She said Bechen says he is dependable and a great housekeeper. A man of his word.

Nick Ragsdale also expressed concerns about property values. He also talked about visual blockage, noise, unnecessary traffic, and what about lighting.

Ralph Kiner, agent for Dean Robideau asked the commission to review the type of structures on the north half of the block south of West 9th. Particularly, he noted the apartment building and commercial structures. He also said no one would build a house near the substation.

Stadler, again testified. He mentioned that taxes might be collected elsewhere. He reiterated the tree line provides a buffer. He does not want this structure behind his house.

Bechen's rebuttal. He said his building would be located so that people can see around. He said public image is important to him. He said the building would be similar to a new Klockwerks building on Norway Ave. Osterloo asked about possible expansion. Bechen responded that he could go west. He did indicate trailers would be outside.

Jacqueline Berggren, 715 W 7th, expressed concern about 'rezoning' and what may happen if Bechen leaves the building.

Barbara Stadler, reminded the commission that about 45 of the signatures were within the neighborhood. They moved in their house in April of 2017. They would like to purchase the property in question.

Osterloo asked if the building might, have to have an engineer stamp.

Jirsa thought the best use might be a park.

Larson state that the railroad once passed through this area. He said this a 'catch 22'.

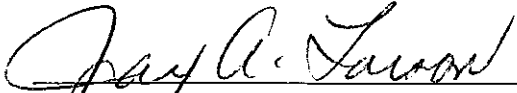
Motion by Molumby, seconded by Larson to recommend the council approve the rezoning. Roll Call: Molumby yes, Larson yes, Osterloo no, Fergen no, Jirsa no, Genzlinger abstain, and Quenzer absent. Motion lost.

Rezone: The commission has requested a hearing on the possible rezoning of Block 52, Block 53, and Lots 6-10, Block 54, Capital Addition, City of Mitchell, Davison County, South Dakota from TWC Transportation, Warehousing, and Commercial District. The public notice was or to be published in the official newspaper on October 11, 25 and November 8, 2018 and letters were sent to the neighbors on October 10, 2018. The commission considered the written comments. Casey Robideau asked the commission to remove three parcels from the rezoning. Motion by Jirsa, seconded by Genzlinger to recommend rezoning the said property with the exception of Lot B-Y and Lot C-Y located in the SE ¼ of Section 16, T 103 N, R 60 W Platted Various, City of Mitchell, Davison County, South Dakota and Lot 5, Block 52, Capital Addition, City of Mitchell, Davison County, South Dakota. Roll Call: Larson yes, Osterloo yes, Genzlinger yes, Molumby yes, Fergen yes, Jirsa yes, Quenzer absent.

Other Business: Larson and Putnam reported on the South Dakota Planners Conference in Huron, SD. The speakers recommended that commissions establish written by-laws or procedures. Larson and Putnam will work the city attorney in drafting some rules.

Public Input: none

Chairman Larson adjourned the meeting at 1:30 pm.


Chairperson

11-13-18
Date