



Davison County Planning & Zoning and Emergency Management
200 E. 4th Ave.
Mitchell, SD 57301-2631
Phone (605) 995-8615
Fax (605) 995-8642



PLANNING COMMISSION MINUTES

April 6, 2021

1. Chairman Haines called the meeting to order at 7:00 P.M.
2. Roll Call-quorum is met, simple majority vote required for all items.
 - Present: Bruce Haines, Steve Thiesse, Dave Anderson, Charles Storm, Brenda Bode, Kim Weitala, Lewis Bainbridge, Mark Jenniges.
 - Absent:
 - Guests: Lee Healy, Vonda Alexander, Dan & Leanne Bradwisch, Brian Kabat (Telephonically), and Mahlon Byler (Telephonically).
3. Consider the amended agenda.
 - Motion by Dave Anderson, seconded by Steve Thiesse, to approve the amended agenda. All members voted aye, motion carried.
4. Declare conflicts of interest-none.
5. Consider the proposed March 2, 2021 Minutes.

Motion by Lewis Bainbridge, seconded by Dave Anderson, to approve the March 2, 2021 proposed minutes. All members voted aye, motion carried.
6. Public input for items not on the agenda-none.
7. That James Winter d/b/a Common Cents Consignment has appealed to the Davison County Planning Commission to recommend granting a Conditional Use Permit to operate an Open Sales Area & Federal Firearms Sales in the Platted Town Site Residential District.
 - This request is in pursuant to Section 705 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as Lots 1 through 12, Block 8, Watkins Addition to the Town of Loomis, Davison County, South Dakota, including all of the vacated alleyway therein and including that part of vacated Lewis Street adjoining and abutting Lots 1 and 12 thereof; and Lots 5 through 8, Block 9, Watkins Addition to the Town of Loomis, Davison County, South Dakota, including that portion of the alleyway adjoining and abutting said lots and including that part of vacated Lewis Street adjoining and abutting Lots 6 and 7 thereof.
 - Acting director Jenniges explained the application, required notifications, and the GIS view. Notices were sent to the neighbors and it was published in the paper with a neighbor stopping in opposing the condition use request.
 - The applicant was present to answer questions.
 - Tami Winter explained the following from questions of the board. They use K-bid for their auction site. It was selected because they had bought items for it in the past and K-bid reached out to them to have a location in this area of South Dakota. They use K-bids software. They are currently selling their own property, nothing on consignment yet. The auction is set up for a certain number of days with one day during the auction as an inspection day for people to come look at the items. After the auction is over purchasers have a certain time to pay for the item and a certain time to pick up the items or they forfeit the item and it goes

back to the consigner. Most of the items are being shipped instead of people picking them up on-site. There will not be overflow of items around the site, items arrive just prior to an auction and are picked up/shipped or returned days after the auction is completed. Taxes are paid monthly to the Department of Revenue.

- They are fixing up the garage and installed deadbolts on the doors and that is where the items will be stored. They plan to sell mostly smaller items, but some big items may be sold as well. They do not have a dealer's license but are looking into it. However, that license may cost more than it's worth to bring the property up the standard required to obtain the license. They are not using the house for the Conditional Use Permit. K-bid does not allow you to use a residence for a bid site or storage area of items. They purchased the property last year and plan on fixing it up. They do not want to tear down the house. They have installed motion sensor flood lights and cameras around the property. When they first bought it, some kids broke in and had a party in the house.
 - The Feds are coming on Wednesday to look at their set-up for the FFL and give them direction on the size and kind of safe required to store the firearms. No new firearms will be sold, only consignment firearms. Background checks will be done prior to the final sale of a firearm and they can also ship firearms to other FFL dealers for pick-ups.
 - They are in the process of getting some signs made to direct people to their location. They have some temporary signs up a few miles away directing people how to get to their location. PZ will work with them if a conditional use permit is required for those signs. The ordinance does not list on-site signs in this zoning area but in all other zoning jurisdictions on-site signs are permitted.
 - Vonda Alexander is against the CUP. Vonda lives down the street about a block away next to an abandon house. She feels Loomis is a homestead community, not for commercial businesses. She stated nothing has been cleaned up around the property in the year Winter's have owned the property and believe it should be tore down.
 - Becky Handerhan owns a property across the street that her dad resides at and has no issues with the CUP.
 - After consideration of the 1106 A-Conditional Uses, a motion by Dave Anderson, seconded by Charles Storm, to recommend approval of the Conditional Use Permit with the condition an on-site sign be permitted. Roll call vote: Haines – aye, Thiesse – aye, Storm – aye, Bainbridge – aye, Bode – aye, Weitala – aye, Anderson – aye, motion carried.
8. That Dustin & Amanda Knutson have appealed to the Davison County Planning Commission to recommend granting a variance in minimum lot size for an existing residence of +/- 5.324 acres to create a lot size of +/- 19.676 acres, where the minimum is 25 acres in the Agricultural District.
- This request is in pursuant to Section 307(5) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property will be legally described as a Plat of Tract A of Knutson's Addition, in the NE 1/4 of Section 5, T 103 N, R 61 W of the 5th P.M., Davison County, South Dakota. The property is currently described as S999.5' of N1574.5' of E930' Ex W167' of

S434' of NE ¼ of Section 5, T 103N, R 61 W of the 5th P.M., Davison County, South Dakota.

- Acting director Jenniges explained the application, required notifications, and the GIS view. Notices were sent out to the neighbors and published in the paper with no responses.
 - The applicant was not present to answer questions. Discussion included the applicant applied for a building permit but their land is described by measurements so a building permit could not be obtained so they had to plat their land. They are under the 25 acres required by zoning ordinance, so they are coming in compliance with the zoning ordinance by obtaining the variance for the existing residence.
 - After consideration of the 1106 B-Variances, a motion by Steve Thiesse, seconded by Brenda Bode, to recommend approval of the Variance Permit to the Board of Adjustment. Roll call vote:
Haines – aye, Thiesse – aye, Storm –aye, Bainbridge – aye, Bode – aye, Weitala – aye, Anderson– aye, motion carried.
9. Considered a Plat of Tract A of Knutson's Addition, in the NE 1/4 of Section 5, T 103N, R 61 W of the 5th P.M., Davison County, South Dakota; at the request of Dustin & Amanda Knutson.
- Acting administrator Jenniges gave an explanation of the plat.
 - The applicant was not present to answer questions. This plat goes along with item #8 on the agenda.
 - Motion by Dave Anderson, seconded by Lewis Bainbridge, to recommend approval of the plat to the County Commissioners. Roll call vote:
Haines – aye, Thiesse – aye, Storm – aye, Bainbridge – aye, Bode – aye, Weitala – aye, Anderson – aye, motion carried.
10. That Mahlon Byler has appealed to the Davison County Planning Commission to recommend granting a variance in minimum front yard setback of +/- 37' resulting in a setback of +/- 38' from the right of way, where the minimum is 75' in the Agricultural District.
- This request is in pursuant to Section 308 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is currently described as Jatou Tract 1 in the NW 1/4 of the NW 1/4 of Section 21, T 101N, R 60 W of the 5th P.M., Davison County, South Dakota.
 - Acting director Jenniges explained the application, required notifications, and the GIS view. Notices were sent out to the neighbors and published in the paper with one response not against the variance but bringing up safety concerns with the truck traffic stopping on the road and backing into the parking lot.
 - The applicant was present telephonically to answer questions. Discussion included the applicant would like to add an addition onto his shop. He would have to bring in a lot of fill material to add onto the south side and expanding to the west puts him into floodplain. The addition would be behind the existing trees that are on the lot line. The addition would not interfere with the sight triangle of the intersection to the west.
 - The board discussed with Mr. Byler their concerns about truck traffic and finding an alternate solution instead of the trucks backing off 265th Ave. Mr. Byler stated

he was not opposed to widening his current driveway by taking out the tree on the west side of the driveway.

- Commissioner Bode stated the way to take care of the safety issue was to contact the Sheriff's Office and Highway Department. Conditions can not be put on a variance.
- After consideration of the 1106 B-Variances, a motion by Dave Anderson, seconded by Brenda Bode, to recommend approval of the Variance Permit to the Board of Adjustment. Roll call vote:
Haines – nay, Thiesse – nay, Storm – nay, Bainbridge – nay, Bode – aye, Weitala – aye, Anderson – aye, motion denied.

11. Considered a Tract 1 of Carstensen Addition, an addition in the NE 1/4 of Section 2, T 103N, R 61 W of the 5th P.M., Davison County, South Dakota; at the request of Rob Carstensen.

- Acting administrator Jenniges gave an explanation of the plat.
- The applicant was not present to answer questions. The applicant is purchasing the 25 acres to build a residence on. The approach will be about 750' from the south 1/4 line.
- Motion by Dave Anderson, seconded by Charles Storm, to recommend approval of the plat to the County Commissioners. Roll call vote:
Haines – aye, Thiesse – aye, Storm – aye, Bainbridge – aye, Bode – aye, Weitala – aye, Anderson – aye, motion carried.

12. That Tillman Infrastructure LLC has appealed to the Davison County Planning Commission to recommend granting a Conditional Use Permit to construct a 333' communication tower facility in the Ag District.

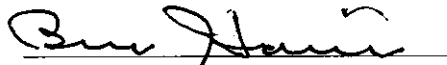
- This request is in pursuant to Section 3:04(40) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as E 5/8 of the S 1/2 of the SE 1/4 EX Lot 15 and H-1 & H-2 of Section 15, T 101N, R 60 W of the 5th P.M., Davison County, South Dakota.
- Acting director Jenniges explained the application, required notifications, and the GIS view. Notices were sent to the neighbors and it was published in the paper with no responses for or against.
- The applicant was not present to answer questions but Brian Kabat a consultant for the project appeared telephonically. Discussion included the tower will be built on a leased site. The owner of the land is Larice Hamilton. The plans for construction were included in the packet. This will be an AT&T tower with FirstNet using the tower as well. FirstNet was awarded a communication contract with the state and this is one of many new towers going up around the state to provide better coverage and service for first responders. Planning and Zoning reached out to SD DOT for any concerns they might have and replied they had none. Since the tower is over 200', they will have to follow FAA regulations.
- Commissioner Bode questioned the deconstruction of the tower and who is responsible for that to which Mr. Kabat answer the tower will be taken down within 120 days once it is no longer operational. If it is not taken down within that timeframe it becomes the landowner's property. Parts from these towers can be reused and are considered valuable so Tillman Infrastructure LLC would not want that to happen and lose money.

- After consideration of the 1106 A-Conditional Uses, a motion by Steve Thiesse, seconded by Lewis Bainbridge, to recommend approval of the Conditional Use Permit Roll call vote:
Haines – aye, Thiesse – aye, Storm – aye, Bainbridge – aye, Bode – aye, Weitala – aye, Anderson – aye, motion carried.
13. That Lee Healy has appealed to the Davison County Planning Commission to recommend granting a variance in west side yard setback of +/- 50' resulting in a setback of +/- 25' from the property line, variance in rear yard setback of +/- 59' resulting in a setback of +/- 16' from the property line and east side yard setback of +/- 37' resulting in a setback of +/- 38' from the property line, where the minimum for a shelterbelt setback is 75' in the Agricultural District.
- This request is in pursuant to Section 2:15 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is currently described as W362' of S395' in the SE 1/4 of Section 21, T 103N, R 61 W of the 5th P.M., Davison County, South Dakota.
 - Acting director Jenniges explained the application, required notifications, and the GIS view. Notices were sent out to the neighbors and published in the paper with one response questioning what he was doing.
 - The applicant was present to answer questions. Discussion included the applicant tore out a dying shelterbelt a few years ago and would like to replant it. He is using the Conservation District to plant the trees. After applying for the variance, it was found that there is a 30' easement on the west side of the property for the powerlines so the variance would have to be 30' instead of the 25'. This does not change anything for notices as it would be more restrictive instead of less restrictive. The shelterbelts will start 75' from the south ROW.
 - Chairman Haines gave a history of why the ordinance has the setback of 75' from lot lines and it has to do with snow piling on fences and ruining them.
 - Mr. Healy stated there are no current fences around his property. Moving the north shelterbelt further south would put snow into his dog kennels and shed.
 - After consideration of the 1106 B-Variations, a motion by Steve Thiesse, seconded by Kim Weitala, to recommend approval of the Variance Permit to the Board of Adjustment. Roll call vote:
Haines – aye, Thiesse – aye, Storm – nay, Bainbridge – aye, Bode – aye, Weitala – aye, Anderson – aye, motion carried.
14. Considered a Plat of BP Pork Addition, in the NW 1/4 of the NW 1/4 of Section 8, T 103 N, R 61 W of the 5th P.M., Davison County, South Dakota; at the request of Brad & Peggy Greenway.
- Acting administrator Jenniges gave an explanation of the plat.
 - The applicant was present to answer questions. The applicants land is described by measurements and they would like to build a grain bin on the location.
 - Motion by Charles Storm, seconded by Steve Thiesse, to recommend approval of the plat to the County Commissioners. Roll call vote:
Haines – aye, Thiesse – aye, Storm – aye, Bainbridge – aye, Bode – aye, Weitala – aye, Anderson – aye, motion carried.
15. Additional Comments from the Group-

- Planning and Zoning has had a few calls about the 5 lots north of Mt. Vernon and the possibility to add approaches to them. The board discussed the plat that has easements off of two of the lots to access the other three lots. The minutes from when the plat was approved state the Highway Department has final say in the approaches. Highway Superintendent Weinberg has continued to deny more approaches due to safety concerns and the board agrees with that decision. Developments like this should have access roads which is essentially what the 2 easements are creating.

16. Set date and time for next meeting – May 4, 2021 @ 7:00 P.M.

17. At 9:34 P.M., a motion by Kim Weitala seconded by Brenda Bode to adjourn the meeting. All members voted aye, motion carried.



Bruce Haines
Planning Commission Chairperson



Mark Jenniges
Acting Director of Planning & Zoning