

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 AGENDA
May 5, 2015

1. Call to order at 7:00 P.M. by Chairman Haines.
2. Roll Call
3. Approve the agenda
4. Approve the April 7, 2015 Minutes
5. That David Sibson has appealed to the Davison County Planning Commission to recommend granting a Variance Permit in front yard setback of 5 +/- feet to create a front yard setback of 70 +/- feet from the right-of-way for replacement of a nonconforming structure. The minimum front yard setback is 75 feet in the Agricultural District. This request is pursuant to Section 515 and 1807 (2) of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended. The property is legally described as the NW ¼ of Section 13, T 104 N, R 60 W of the 5th P.M., Davison County, South Dakota.
6. Consider a Plat of Lot 12 of Park Acres First Addition in the NE ¼ of Section 6, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of CJM Consulting Inc.
7. Discussion and review of proposed amendments to the Davison County Zoning Ordinance.
8. Additional Comments from the Group.
9. Set date and time for next meeting – June 2, 2015 @ 7:00 P.M.
10. Adjournment

Nathan Wegner

Nathan Wegner
Planning & Zoning and Emergency Management Deputy Director



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PLANNING COMMISSION MINUTES
April 7, 2015

1. Call to order at 1:15 P.M. by Chairman Haines.
2. Roll Call
 - Present: Bruce Haines, Gary Stadlman, Steve Thiesse, Brenda Bode, Kim Weitala, Jeff Bathke, Nathan Wegner.
 - Absent: Charles Storm, Lewis Bainbridge.
 - Guests: Chuck Mauszycki.
3. Approve the agenda
 - Motion by Kim Weitala, seconded by Steve Thiesse, to approve the agenda. All members voted aye, motion carried.
4. Approve the March 3, 2015 Minutes
 - Motion by Kim Weitala, seconded by Steve Thiesse, to approve the March 3, 2015 minutes. All members voted aye, motion carried.
5. Approve a Plat of Lot 2 of Park Acres First Addition in the NE 1/4 of Section 6, T 103N, R 60 W of the 5th P.M., Davison County, South Dakota; at the request of CJM Consulting Inc.
 - Deputy Administrator Wegner gave an explanation of the plat and the outcome from the City of Mitchell's meetings; Planning & Zoning on March 23, 2015 and Council on April 6, 2015.
 - The applicant was present to answer questions. Discussion included the soil condition of the area which reportedly has 2-4' (feet) top layer of silt that was pumped from Lake Mitchell in the 1980's. An overall master plan was discussed with concerns of septic tanks with emphasis on percolation with the silt layer; in the future, the ideal option for the area would be city sewer. Street dedication (public with private maintenance) and rural water availability was also discussed.
 - Motion by Gary Stadlman, seconded by Steve Thiesse, to recommend approval of the plat to the County Commissioners. Roll call vote:
Haines – aye, Stadlman – aye, Thiesse – aye, Storm – absent, Bainbridge – absent, Bode – aye, Weitala – aye, motion carried.
6. Additional Comments and Discussion from the Group included:
 - Comprehensive Plan survey results, progression, and ideas for implementing the Transportation Plan's findings.
 - Recent reports about Jack Rabbit Farms was heavily discussed: Site/area visits have been conducted in the past couple of weeks to check smell, dragline placement, and other general safety and operational concerns. All site visits have been documented. Injection was monitored and it was found that after 48 hours the smell from the injection was virtually nonexistent. Jack Rabbit operators/owners were contacted and they would like to set up a meeting with neighbors; the meeting is scheduled for Thursday, April 9, 2015. It was last noted that calls from citizens to Commissioner Bode have turned bitter and irrational.
7. Set date and time for next meeting – May 5, 2015 @ 7:00 P.M.
8. Adjournment @ 2:40 P.M.

Bruce Haines
Planning Commission Chairman

Nathan Wegner
Planning & Zoning and Emergency Management Deputy Director

DAVISON COUNTY VARIANCE APPLICATION

Applicant Name: David Sipson

Application date: 4-10-15

Applicant Address: 24648 411th Ave. Mitchell, SD

Application deadline: 4-20-15

Applicant Email: NA

Contact Phone: 999-5490

Owner Name: Same

Owner Address: Same

Owner Contact Phone: Same

Parcel Number of parent parcel: 08000-10460-132-00

Legal Description of parcel: NW 1/4 of Section 13, T 104 N, R 60 W of the 5th P.M., Davison County, South Dakota.

Reason for Variance: Recommend granting a variance in front yard setback of 5 +/- feet to create set back of 70 +/- feet. This request is pursuant to Sections 1807 and 515 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended, which can be found at <http://www.davisoncounty.org/wp-content/uploads/2014/03/Davison-County-Zoning-Ordinance.pdf>.

Reason for Request to include hardships: Similar variance was granted to another Davison County citizen in November 2013. Previous structure was placed prior to the zoning ordinance making it a nonconforming structure, applicant would like to use the existing concrete pad for the new structure. Former structure and the new structure would be in line with the existing house/farmstead.

Section of Code Allowing Variance: 515; 1807; 1403 B; 1507C Variances

Fee Collected for Variance (\$100): 4-10-15

Check #: 9562

Receipt #: 783

Planning Commission Hearing Date: 5-5-15

Board of Adjustment Hearing Date: 5-12-15

Required Items:

- Detailed site plan (GIS Photo of the property)
- Location and use of adjacent structures/land Agricultural, sparatic residential.
- Application Fee

Signatures of Applicant: _____ **Date:** _____



Current building is approx. 70' from ROW
75' setback needed (red line)

411 AVE

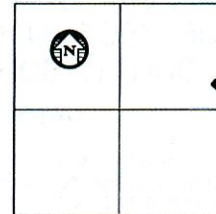
411 AVE

PERRY

GRAPHIC SCALE

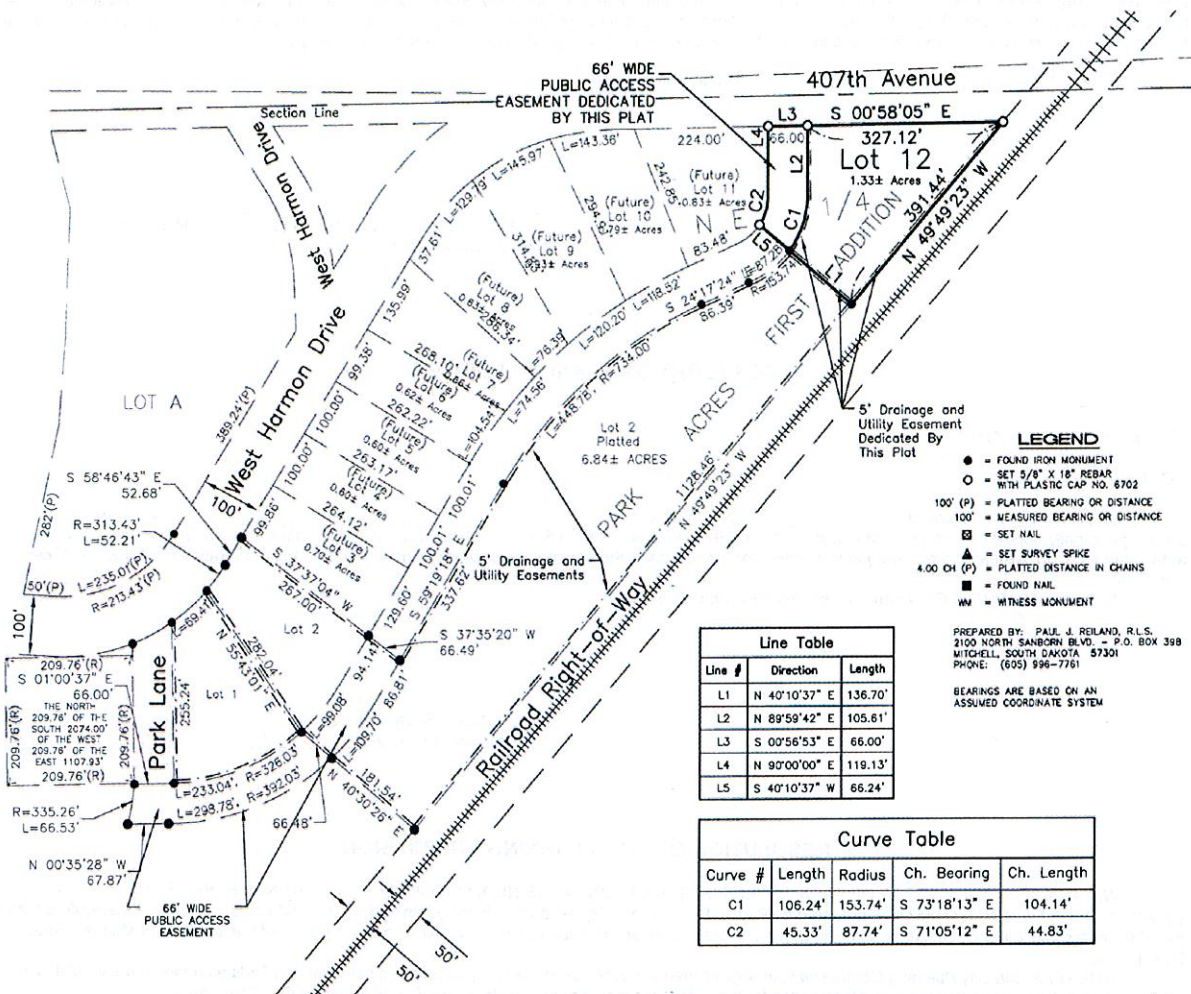


(IN FEET)
1 inch = 100 ft.



LOCATION MAP
SCALE: 1" = 3600'

Easements Within Lot 12 Dedicated By This Plat:
5' Drainage and Utility Easements around the entire Lot 12; except along 407th Avenue.



- LEGEND**
- = FOUND IRON MONUMENT
 - = SET 5/8" X 18" REBAR WITH PLASTIC CAP NO. 6702
 - 100' (P) = PLATTED BEARING OR DISTANCE
 - 100' = MEASURED BEARING OR DISTANCE
 - ⊠ = SET NAIL
 - ▲ = SET SURVEY SPIKE
 - 4.00 CH (P) = PLATTED DISTANCE IN CHAINS
 - = FOUND NAIL
 - WM = WITNESS MONUMENT

PREPARED BY: PAUL J. REILAND, R.L.S.
2100 NORTH SANBORN BLVD. - P.O. BOX 398
MITCHELL, SOUTH DAKOTA 57301
PHONE: (605) 996-7761

BEARINGS ARE BASED ON AN ASSUMED COORDINATE SYSTEM

Line #	Direction	Length
L1	N 40°10'37" E	136.70'
L2	N 89°59'42" E	105.61'
L3	S 00°56'53" E	66.00'
L4	N 90°00'00" E	119.13'
L5	S 40°10'37" W	66.24'

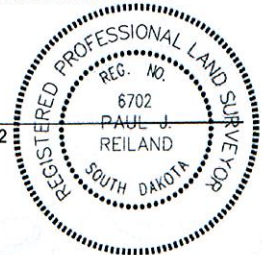
Curve #	Length	Radius	Ch. Bearing	Ch. Length
C1	106.24'	153.74'	S 73°18'13" E	104.14'
C2	45.33'	87.74'	S 71°05'12" E	44.83'

A PLAT OF LOT 12 OF PARK ACRES FIRST ADDITION IN THE NE 1/4 OF SECTION 6, T 103 N, R 60 W OF THE 5th P.M., DAVISON COUNTY, SOUTH DAKOTA.

SURVEYOR'S CERTIFICATE

I, Paul J. Reiland, the undersigned, do hereby certify that I am a Registered Land Surveyor in and for the State of South Dakota. At the request of CJM Consulting, Inc., a South Dakota corporation, as owner, and under its direction for purposes indicated therein, I did on or prior to April 20, 2015, survey those parcels of land described as follows: LOT 12 OF PARK ACRES FIRST ADDITION IN THE NE 1/4 OF SECTION 6, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA.
In my professional opinion and to the best of my knowledge, information and belief, the within and foregoing plat is true and correct.
Dated this ____ day of April, 2015.

Registered Land Surveyor #SD6702



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A PLAT OF LOT 12 OF PARK ACRES FIRST ADDITION IN THE NE 1/4 OF SECTION 6, T 103 N, R 60 W OF THE 5th P.M., DAVISON COUNTY, SOUTH DAKOTA.

OWNER'S CERTIFICATE, DEDICATION AND AGREEMENT OF PROTECTION OF WATER

KNOW ALL MEN BY THESE PRESENTS that I, the undersigned, hereby certify that CJM Consulting, Inc., a South Dakota corporation, is the absolute and unqualified owner of all of the land included in the within and foregoing plat; the plat is of a parcel of ground located in THE NE 1/4 OF SECTION 6, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA; that the plat has been made at the request of CJM Consulting, Inc., a South Dakota corporation, and under its direction for the purposes indicated therein; which said property as so surveyed and platted shall hereafter be known as LOT 12 OF PARK ACRES FIRST ADDITION IN THE NE 1/4 OF SECTION 6, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, as shown by this plat; and CJM Consulting, Inc., a South Dakota corporation, hereby dedicates to the public, for public use forever as such, the streets and alleys, if any, as shown and marked on said plat; and that development of the land included within the boundaries of said Lot 12 shall conform to all existing applicable zoning, subdivision, and erosion and sediment control regulations; further that there now exists 407th Avenue. Pursuant to SDCL 11-3-8.1 and 11-3-8.2 the developer of the property described within this plat shall be responsible for protecting any waters of the state located adjacent to or within such platted area from pollution from sewage from such subdivision and shall, in prosecution of such protections conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same. Additionally the developer of the property described within this plat shall be liable for any pollution that occurs from failure to execute such protections or follow such regulations, exception being those lots in subdivisions that show documentation that wastewater drainage shall be connected to a municipal system.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2015.

Charles J. Mauszycki, Jr., Vice President of CJM Consulting, Inc.,
a South Dakota corporation

CORPORATION ACKNOWLEDGMENT

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF DAVISON)

On this, the _____ day of _____, 2015, before me, _____, the undersigned officer, personally appeared Charles J. Mauszycki, Jr., of CJM Consulting, Inc., a South Dakota corporation, and that he, as such Vice President, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as Vice President.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public, South Dakota
My Commission Expires: _____

RESOLUTION OF CITY PLANNING COMMISSION

WHEREAS, the plat of LOT 12 OF PARK ACRES FIRST ADDITION IN THE NE 1/4 OF SECTION 6, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul J. Reiland, duly licensed Land Surveyor in and for the State of South Dakota, heretofore filed in the office of the City Finance Officer of Mitchell, South Dakota, has been submitted to the City Planning Commission of the said City of Mitchell, South Dakota; and

WHEREAS, the City Planning Commission, in regular meeting assembled, had duly considered said plat and finds as a fact that said plat is in conformity and does not conflict with the Master Plan for the City of Mitchell, South Dakota, heretofore adopted by this Commission;

NOW THEREFORE, be it resolved by the City Planning Commission of Mitchell, South Dakota, that the plat of LOT 12 OF PARK ACRES FIRST ADDITION IN THE NE 1/4 OF SECTION 6, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul J. Reiland, a Land Surveyor, be and the same is hereby approved and its adoption by the City Council of the City of Mitchell, South Dakota, is hereby recommended.

I, _____, Chairman of the City Planning Commission for the City of Mitchell, South Dakota, do hereby certify that the foregoing resolution was passed by the City Planning Commission of Mitchell, South Dakota, at a meeting thereof held on the _____ day of _____, 2015.

CITY PLANNING COMMISSION --- BY: _____



SPN

& Associates
Engineers, Planners and Surveyors
2100 North Sanborn Blvd. - P.O. Box 398 Mitchell, South Dakota 57301
Phone: (605) 996-7761 Fax: (605) 996-0015

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A PLAT OF LOT 12 OF PARK ACRES FIRST ADDITION IN THE NE 1/4 OF SECTION 6, T 103 N, R 60 W OF THE 5th P.M., DAVISON COUNTY, SOUTH DAKOTA.

RESOLUTION OF CITY COUNCIL

WHEREAS, it appears that the City Planning Commission of the City of Mitchell, South Dakota, did duly consider and did recommend the approval and adoption of the hereinafter described plat, at its meeting held on the _____ day of _____, 2015; and

WHEREAS, it appears from an examination of the plat of LOT 12 OF PARK ACRES FIRST ADDITION IN THE NE 1/4 OF SECTION 6, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, as prepared by Paul J. Reiland, a duly licensed Land Surveyor in and for the State of South Dakota, that said plat is in accordance with the system of streets and alleys set forth in the Master Plan adopted by the City Planning Commission of the City of Mitchell, South Dakota, and that such plat has been prepared according to law;

THEREFORE, be it resolved by the City Council of Mitchell, South Dakota, that the plat of LOT 12 OF PARK ACRES FIRST ADDITION IN THE NE 1/4 OF SECTION 6, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul J. Reiland, be and the same is hereby approved and the description set forth therein and the accompanying surveyor's certificate shall prevail.

I, _____, Finance Officer of the City of Mitchell, South Dakota, hereby certify that the foregoing resolution was passed by the City of Mitchell, South Dakota, at a meeting held on the _____ day of _____, 2015.

FINANCE OFFICER --- BY: _____

RESOLUTION OF COUNTY PLANNING COMMISSION

WHEREAS, the plat of LOT 12 OF PARK ACRES FIRST ADDITION IN THE NE 1/4 OF SECTION 6, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul J. Reiland, duly licensed Land Surveyor in and for the State of South Dakota, heretofore filed in the office of the County Auditor of Davison County, South Dakota, has been submitted to the County Planning Commission of the said County of Davison, South Dakota; and

WHEREAS, the County Planning Commission, in regular meeting assembled, had duly considered said plat and finds as a fact that said plat is in conformity and does not conflict with the Master Plan for the County of Davison, South Dakota, heretofore adopted by this Commission;

NOW THEREFORE, be it resolved by the County Planning Commission of Davison County, South Dakota, that the plat of LOT 12 OF PARK ACRES FIRST ADDITION IN THE NE 1/4 OF SECTION 6, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, prepared by Paul J. Reiland, a Land Surveyor, be and the same is hereby approved and its adoption by the Board of Commissioners of the County of Davison, South Dakota, is hereby recommended.

I, _____, of the County Planning Commission for the County of Davison, South Dakota, do hereby certify that the foregoing resolution was passed by the County Planning Commission of Davison County, South Dakota, at a meeting thereof held on the _____ day of _____, 2015.

COUNTY PLANNING COMMISSION --- BY: _____

RESOLUTION BY BOARD OF COUNTY COMMISSIONERS

Be it resolved by the Board of County Commissioners of Davison County, South Dakota, that the plat of LOT 12 OF PARK ACRES FIRST ADDITION IN THE NE 1/4 OF SECTION 6, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, which has been submitted for examination pursuant to law, is hereby approved and the County Auditor is hereby authorized and directed to endorse on such plat a copy of this Resolution and certify the same.

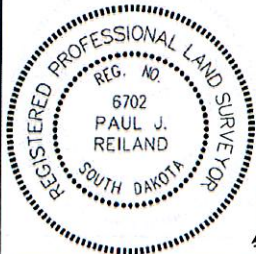
Dated this _____ day of _____, 2015.

Chairperson, Board of County Commissioners
Davison County, South Dakota

AUDITOR'S CERTIFICATE

I, _____, do hereby certify that I am the duly elected, qualified, and acting County Auditor of Davison County, South Dakota, and that the above resolution was adopted by the Board of County Commissioners of Davison County, South Dakota, at a regular meeting held on _____, 2015, approving the above named plat.

Auditor, Davison County



SPN

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A PLAT OF LOT 12 OF PARK ACRES FIRST ADDITION IN THE NE 1/4 OF SECTION 6, T 103 N, R 60 W OF THE 5th P.M., DAVISON COUNTY, SOUTH DAKOTA.

CERTIFICATE OF HIGHWAY AUTHORITY

The locations of the existing approach is hereby approved. Any change in the locations of the existing approach shall require additional approval.

By: _____ Title: _____ Date: _____
Highway Authority

CERTIFICATE OF COUNTY TREASURER

I, _____, hereby certify that I am the duly elected, qualified, and acting Treasurer of Davison County, South Dakota, and I hereby certify that all taxes which would, if not paid, be liens upon any of the land included in the within and foregoing plat, as shown by the records of my office, have been fully paid.

Treasurer, Davison County

DIRECTOR OF EQUALIZATION

I, _____, Director of Equalization of Davison County, South Dakota, hereby certify that a copy of the plat of LOT 12 OF PARK ACRES FIRST ADDITION IN THE NE 1/4 OF SECTION 6, T 103 N, R 60 W OF THE 5TH P.M., DAVISON COUNTY, SOUTH DAKOTA, has been received by me and is filed in my office.

DIRECTOR OF EQUALIZATION: _____

REGISTER OF DEEDS

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF DAVISON)

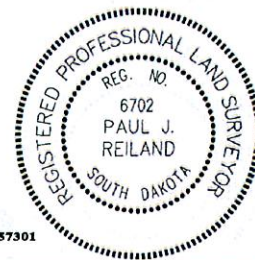
FILED for record this _____ day of _____, 2015, at _____, and recorded in Book _____ of Plats on Page _____ therein and recorded on Microfilm Number _____.

Register of Deeds, Davison County

By _____
Deputy

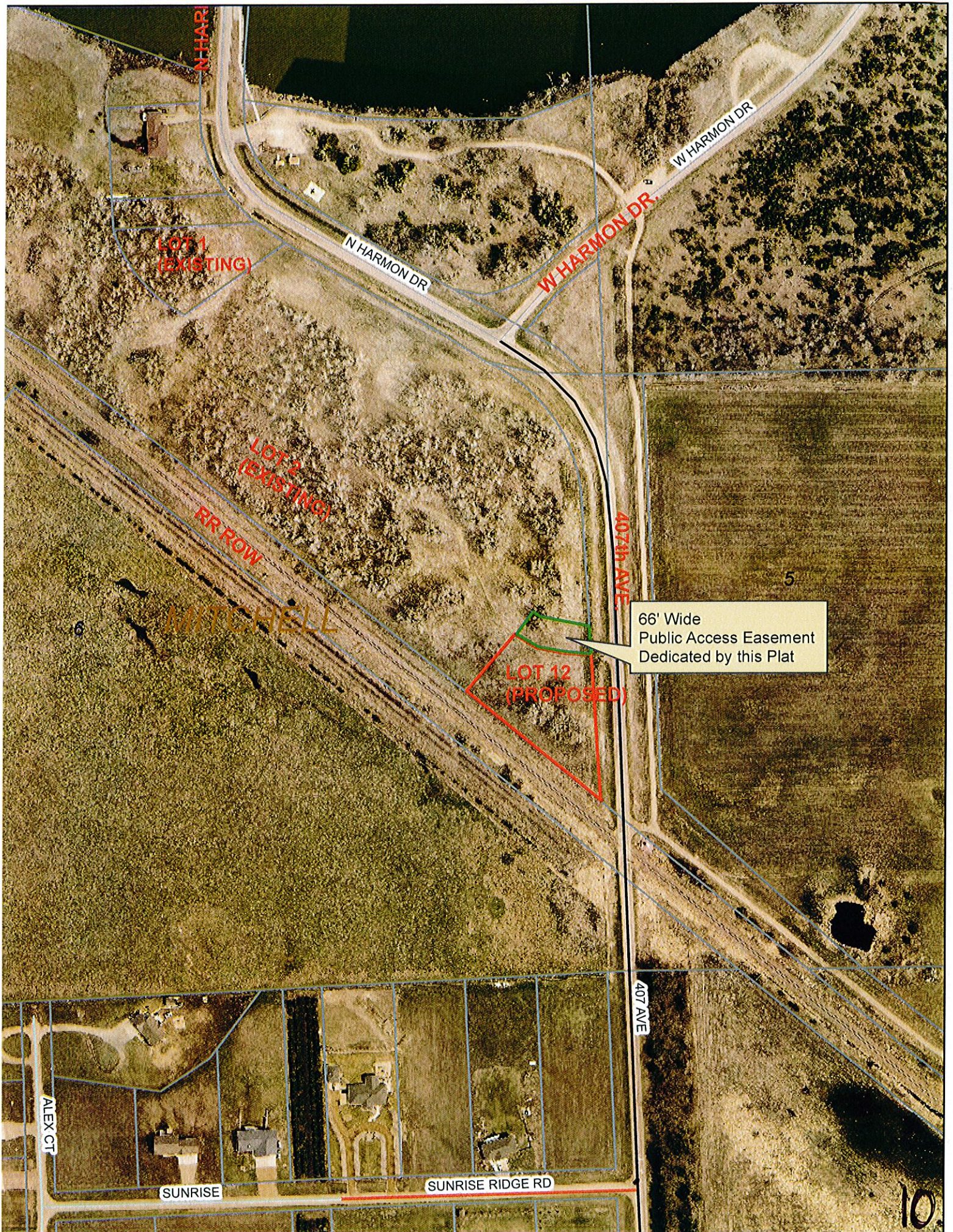


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LOT 1
(EXISTING)

LOT 2
(EXISTING)

LOT 12
(PROPOSED)

66' Wide
Public Access Easement
Dedicated by this Plat

SUNRISE

SUNRISE RIDGE RD

ALEX CT

N HARMON DR

N HARMON DR

W HARMON DR

W HARMON DR

407th AVE

407 AVE

10

MITCHELL

RR ROW

6

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