



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



PLANNING COMMISSION AGENDA
July 2, 2024

1. Call to order at 7:00 P.M. by Chairman Haines.
2. Roll Call.
3. Approve the agenda.
4. Declare conflicts of interest.
5. Approve the June 4, 2024, Minutes.
6. Public input for items not on the agenda, no action will be taken.
7. Consider a variance application requested by Jeffery Albrecht of:
 1. +/- 40', creating a rear and side yard setback of +/- 35', where the minimum setback is 75' for a shelterbelt in the Agricultural Residential District.
8. Additional comments from the group.
9. Set date and time for next meeting – August 6, 2024 @ 7:00 P.M.
10. Adjournment.

Karen Wegleitner

Karen Wegleitner
Deputy Director of Planning & Zoning

PLANNING COMMISSION MINUTES

June 4, 2024

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, Lewis Bainbridge, Dave Anderson, Chris Nebelsick, Ray Gosmire (7:09P.M.), Jeff Bathke, & Karen Wegleitner.
 - Absent: Steve Thiesse & Mike Blaalid.
 - Guests: Josh Viet, Derek Mueller & Nancy Mueller.
3. Consider the amended agenda. To remove agenda item # 9.
 - Motion by Dave Anderson, seconded by Lewis Bainbridge, to approve the amended agenda. All members voted aye, motion carried.
4. Declare conflicts of interest. None.
5. Consider the previous minutes. Motion by Chris Nebelsick, seconded by Dave Anderson, to approve the May 7, 2024 proposed minutes. All members voted aye, motion carried.
6. Public input for items not on the agenda. Hearing none, the meeting continued.
7. Consider a Conditional Use Permit application to operate a temporary asphalt batch plant in the Agriculture (AG) District for the resurfacing of HWY 42 at the request of Lucas VanEps from Duininck, Inc.

This request is located in SE1/4, except Miller Tract 1 & except Lot 1 of D & D 1st Addition of Section 4, T 101 N, R 60, W of the 5th P.M., Davison County, South Dakota. Administrator Bathke gave an explanation of the Conditional Use application. The applicant was available by phone to answer questions.

Discussion: The temporary asphalt batch plant will be assembled to resurface approximately 25 miles of HWY 42 from Ethan to the east. It is estimated to require 60,000-70,000 tons of asphalt, which will take five weeks to complete. No calls were received from abutting property owners. The project will start in 2024 and be completed in 2025. The trucks will exit the plant on 409th, travel south to 263rd, then go east to HWY 37 and south to the project on HWY 42. Discussion included the prep and recovery of the land and the smell of the asphalt. Lucas VanEps from Duininck, Inc. explained the company will comply with all DANR Regulations. Prior to the BOA hearing, Lucas will contact the Township Chairman to discuss the haul roads. P&Z Director Bathke has informed Lyle Lowrie, the contract blade operator. He had no concerns with the additional traffic.

- Motion by Dave Anderson, seconded by Chris Nebelsick, to recommend approval of the Conditional Use Permit to the Board of Adjustment.

Roll call vote:

Haines – aye, Thiesse – absent, Gosmire – aye, Bainbridge – aye, Nebelsick – aye, Blaalid – absent, Anderson – aye, motion carried.

8. Consider a Conditional Use Permit application to allow extraction of sand, gravel, or minerals provided such uses meet requirements for conducting surface mining activities of SDCL 45-6B in the Agriculture (AG) District, at the request of Josh Viet from NextGen Ag Lime.

This request is located in NE1/4 of Section 32, T 104 N, R 61, W of the 5th P.M., Davison County, South Dakota. Administrator Bathke gave an explanation of the Conditional Use application. The applicant was available in person to answer questions.

Discussion: There was one phone call from the neighbor to the north, questioning the location of the mining. He also had concerns of the access easement and was instructed to contact the landowner to discuss. VanderPol Dragline, Inc. is currently mining on this property and several others have in the past.

Josh Viet explained the site will be on the north and west sides of the property. They plan to use the same haul route as the VanderPols. Josh will contact the township chair and HWY Superintendent regarding the haul route. Josh explained the process and purpose of extracting chalk rock.

- Motion by Ray Gosmire, seconded by Lewis Bainbridge, to recommend approval of the Conditional Use Permit to the Board of Adjustment.

Roll call vote:

Haines – aye, Thiesse – absent, Gosmire – aye, Bainbridge – aye, Nebelsick – aye, Blaaid – absent, Anderson – aye, motion carried.

9. Additional Comments from the Group

- None.

10. Set date and time for next meeting – July 2, 2024 @ 7:00 P.M.

11. At 7:43 PM, a motion was made by Chris Nebelsick, seconded by Lewis Bainbridge, to adjourn the meeting. All members voted aye, motion carried.

Bruce Haines
Planning Commission Chairperson

Karen Wegleitner

Karen Wegleitner
Deputy Director of Planning & Zoning

DAVISON COUNTY VARIANCE APPLICATION

Applicant Name: Jeffery Albrecht
Applicant Address: 25225 407th Ave., Mitchell, SD 57301
Applicant Email: jeffery.albrecht@gmail.com

Application date: 6/4/24
Application deadline: 6/17/24
Contact Phone: 299-6595

Owner Name: Same
Owner Address: Same
Owner Contact Phone: Same

Parcel Number of parent parcel: 06181-10360-001-00

Legal Description of current parcel(s): Lot 1 of Albrecht's Addition in the NE1/4 of Section 18, T 103 N, R 60, West of the 5th P.M., Davison County, South Dakota.

Proposed Legal Description of parcels: NA

Reason for Variance: Recommend granting a variance of +/- 40', creating a rear and side yard setback of +/- 35', where the minimum setback is 75' for a shelterbelt in the Agricultural Residential District.

This request is pursuant to Section 2:15 of the Davison County Zoning Ordinance as adopted on 4/1/98 and as subsequently amended.

Reason for Request to include hardships: Applicant is requesting to plant a shelterbelt on the south side of the property. He would like to keep them as far south as possible to keep away from the septic drainfield and to conserve back yard space. They will be using the cost share program from the James River Watershed District.

Section of Code Allowing Variance: 2:15, 11:06(b) and 12:06(b)

Fee Collected for Variance (\$150): 6/4/24

Check #: Credit Card

Receipt #: 17046

Planning Commission Hearing Date: 7/2/24

Board of Adjustment Hearing Date: 7/9/24

Required Items:

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

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



Scott Living Trust 17

407 AVE

75' Setback

Residence

Jeffery Albrecht
Megan Rinehart

MITCHELL

3 rows of eastern cedar trees, 1 row of common lilacs

Bruce Albrecht

+/- 40' creating a side and rear yard setback of +/- 35', where the minimum setback is 75' for a shelterbell

Bruce Albrecht

18