

**CITY OF MITCHELL
CITY PLANNING COMMISSION AGENDA
CITY COUNCIL CHAMBERS, CITY HALL
612 N MAIN ST**

NOVEMBER 7, 2022 @ 12:00P.M. (NOON) (SPECIAL MEETING)

- 1. Call To Order:**
- 2. Roll Call:**
- 3. Declaration Of Conflicts Of Interests**
- 4. Approve Agenda:**
- 5. Approval Of Previous Minutes 10-24-22.**

Documents:

[PLANNING COMMISSION UNSIGNED MINUTES 10-24-22.PDF](#)

- 6. Schedule Next Meeting-11-14-22 @ 12:00 P.M.**
- 7. Ordinance #O2022-17-Amending Title 10 Zoning Regulations-Indoor Crop Production.**

Documents:

[ORDINANCE O2022-17-CITY OF MITCHELL ORDINANCE AMENDMENT.PDF](#)
[CITY OF MITCHELL ORDINANCE AMENDMENT-ORDINANCE 02022-17-NOTICE OF HEARING.PDF](#)

- 8. Other Business:**
- 9. Public Input: If You Need To Address The City Planning Commission On An Item That Was Not On The Agenda, Excluding Personnel Items, Please Come Forward To The Podium And State Your Name And Your Concern. Presentations Are Limited To Three Minutes. Items Will Be Considered But No Action Will Be Taken At This Time.**
- 10. Adjournment:**

"The City of Mitchell invites all interested parties to give oral or written comments. If special accommodations are required, please notify the Public Works Department at 605-995-8433 at least 24 hour prior to the scheduled meeting."

CITY OF MITCHELL
CITY PLANNING COMMISSION MINUTES

10/24/2022 - Minutes

1. Call To Order:

Vice Chairperson Genzlinger called the October 24, 2022 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: Genzlinger, Jirsa (telephonically), Osterloo, Penney, Sonne, Doescher.

Absent: Larson, Schmitz

Staff Present: Ellwein, Mayor Everson, Hegg, Jenniges, J Johnson, T Johnson, , Sandoval, Schroeder.

3. Declaration Of Conflicts Of Interests

None.

4. Approve Agenda:

Motion by Osterloo, seconded by Penney to approve the proposed agenda. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – absent, Osterloo – aye, Penney – aye, Schmitz – absent, Sonne – aye. 5 aye, 0 nay, 2 absent; motion carried.

5. Approval Of Previous Minutes 10-11-22.

Motion by Osterloo, seconded by Sonne to approve the proposed minutes of the October 11, 2022 Planning Commission meeting. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – absent, Osterloo – aye, Penney – aye, Schmitz – absent, Sonne – aye. 5 aye, 0 nay, 2 absent; motion carried.

6. Schedule Next Meeting-11-7-22 @ 12:00 P.M. (Special Meeting)

Motion by Penney, seconded by Osterloo to set the date for the next Planning Commission meeting for November 7, 2022. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – absent, Osterloo – aye, Penney – aye, Schmitz – absent, Sonne – aye. 5 aye, 0 nay, 2 absent; motion carried.

7. Conditional Use Permit: Genesis Farms LLC-716 N Rowley St.

That Genesis Farms LLC has applied for a conditional use permit to operate a Medical Cannabis Dispensary; located at 716 N Rowley St, legally described as Lots 18-21, Block 4 Rowleys 1st Addition, City of Mitchell, Davison County, South Dakota. The said real property is zoned CB Central District. The applicant was present to answer questions.

Jenniges explained there were no responses for or against from the letters sent out. The applicant had applied at a different location for a CUP and was granted but the variance that was needed at the time was denied. This application does not require any variances.

Emment Reistroffer spoke on behalf of Genesis Farms LLC. They have their wholesale company up and

running. They believe this will be good rehabilitation for the building and parking lot. This is a bigger building they had previously applied for.

Heidi Bailey of Baily Metal questioned that since it is not legal federally and can not use banks how will they handle all the cash? Reistroffer noted there about 500 banks in the across the country that do work with the cannabis industry. They have established protocols with the FDIC. They intend to work with a bank out of Sioux Falls but if they have to there are banks in Colorado they can use, it will just cost them more to use them. They will have a "cashless atm" at the point of sale. It will not allow transactions of credit cards but can use debit cards. They are trying to find ways to minimize the use of cash.

Motion by Osterloo, seconded by Penney to recommend approval of the conditional use. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – absent, Osterloo – aye, Penney – aye, Schmitz – absent, Sonne – aye. 5 aye, 0 nay, 2 absent; motion carried.

8. Conditional Use Permit: Dakota Land And Property Management LLC-NE Corner Of Hwy 37 & East 54th Ave.

That Dakota Land and Property Management LLC has applied for a conditional use permit to operate an Automotive Sales, Repair, Parts and Detailing business; located at NE corner of Hwy 37 and E 54th Ave, legally described Lot 12 of Maui Farms 1st Addition in the SW 1/4 of Section 34, T 104 N, R 60 W of the 5th P.M., Davison County, South Dakota. The said real property is zoned UD Urban Development. The applicant was present to answer questions.

Jenniges explained the applicant would like to sell some vehicles on the property, it won't be a detailing or repair show but that is the way the definition reads in the zoning ordinance. There was one letter in the packet in favor and one was return prior to the meeting that did not make the packet that was also in favor of it.

Caleb Koerner representing Dakota Land and Property Management LLC stated they intend to put down some gravel to sell vehicles. They will put an office up after a while. They are not looking to sell a lot of vehicles from the location and all vehicles on the lot will be operable or be removed. He does not want a junkyard on the north side of Mitchell.

Motion by Jirsa, seconded by Penney to recommend approval of the conditional use. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – absent, Osterloo – aye, Penney – aye, Schmitz – absent, Sonne – aye. 5 aye, 0 nay, 2 absent; motion carried.

9. Plat: Tracts A Through D Of Freedom Estates 2nd Subdivision In The Northwest Quarter Of Section 11, Township 103 North, Range 60 West Of The 5th P.M., Davison County, South Dakota; As Request By Steven & Judith Thiesse.

Jenniges explained this is the same layout and plat that went through the previous meeting but the Register of Deeds required a different legal with it so it has to be run back through Planning Commission and City Council. The applicant was not present to answer questions.

Motion by Osterloo, seconded by Sonne to approve the plat. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – absent, Osterloo – aye, Penney – aye, Schmitz – absent, Sonne – aye. 5 aye, 0 nay, 2 absent; motion carried.

10. Plan Approval-Highland Travel Plaza-2160 S Burr St.

Jenniges explained this is located within Highway Business and the applicant is proposing an addition. Godfathers is moving into the new addition and the convenience store is expanding into the old Godfathers location. There is plenty of parking and Public Works has no concerns. The applicant was not present to answer questions.

Motion by Penney, seconded by Jirsa to approve the plan. Roll call vote: Genzlinger – aye, Jirsa – aye,

Larson – absent, Osterloo – aye, Penney – aye, Schmitz – absent, Sonne – aye. 5 aye, 0 nay, 2 absent; motion carried.

11. **Plat: Lot 1, Block 5 Of Woodland Heights First Addition, A Subdivision Of Tracts 2 And 3, Block 1, Crane's Addition In The SE ¼ Of Section 34, T 103, N, R 60 W Of The 5th P.M., City Of Mitchell, Davison County, South Dakota; As Requested By Ethan Coop Lumber.**

Jenniges explained this follows along with their master plan. The applicant was not present to answer questions.

Motion by Osterloo, seconded by Penney to approve the plat. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – absent, Osterloo – aye, Penney – aye, Schmitz – absent, Sonne – aye. 5 aye, 0 nay, 2 absent; motion carried.

12. **Plat: Lot 1 Of Wade's Addition, An Addition In The Southwest Quarter (SW ¼) Of Section 3, Township 103 North, Range 60 West Of The 5th P.M., Davison County, South Dakota, As Requested By Wade & Jody Strand.**

Jenniges explained this is outside the ETJ but within the 3-mile so it is county's zoning authority. The applicant was not present to answer questions.

Motion by Penney, seconded by Sonne to approve the plat. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – absent, Osterloo – aye, Penney – aye, Schmitz – absent, Sonne – aye. 5 aye, 0 nay, 2 absent; motion carried.

13. **Plan Approval-Larry's I-90-1510 1/2 S Burr St.**

Jenniges explained this is located within Highway Business and the applicant is proposing a new shed 40' x 75' using the existing concrete wall on the north side or a portion of the building's wall. The applicant was present to answer questions.

Schroeder noted that Public Works has no concerns as it's already gravel, a building there will not change any drainage.

Motion by Osterloo, seconded by Penney to approve the plan. Roll call vote: Genzlinger – aye, Jirsa – aye, Larson – absent, Osterloo – aye, Penney – aye, Schmitz – absent, Sonne – aye. 5 aye, 0 nay, 2 absent; motion carried.

14. **Other Business:**

None.

15. **Public Input: If You Need To Address The City Planning Commission On An Item That Was Not On The Agenda, Excluding Personnel Items, Please Come Forward To The Podium And State Your Name And Your Concern. Presentations Are Limited To Three Minutes. Items Will Be Considered But No Action Will Be Taken At This Time.**

None.

16. **Adjournment:**

Vice-Chairperson Genzlinger adjourned the meeting 12:20 P.M.

ORDINANCE O2022-17

An Ordinance amending 10-2-2: Definitions of Words and Phrases, 10-6B-2: Permitted Uses in Highway Oriented Business District, 10-6C-3: Conditional Uses in Central Business District and 10-7A-2: Permitted Uses in Transportation, Warehousing and Commercial District, Title 10 Zoning Regulations, City of Mitchell Municipal Code

NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA:

Section 1.

That 10-2-2: Definitions of Words and Phrases, be amended by adding “INDOOR CROP PRODUCTION: the use of a site for the raising and harvesting of indoor crops on a commercial basis, including packing and processing, and including the use of accessory buildings located on-site.”

Section 2.

That 10-6B-2: Permitted Uses in Highway Oriented Business District, be amended by adding “INDOOR CROP PRODUCTION.”

Section 3.

That 10-6C-3: Conditional Uses in Central Business District, be amended by adding “INDOOR CROP PRODUCTION.”

Section 4.

That 10-7A-2: Permitted Uses in Transportation, Warehousing and Commercial District, be amended by adding “INDOOR CROP PRODUCTION.”

Section 5.

The City Finance Officer shall cause notice of adoption of this ordinance to be published in the official newspaper and twenty (20) days after the completed publication, unless the referendum is invoked, this ordinance shall become effective.

Adopted by majority vote of the Mitchell SD City Council in regular session this ____ day of _____, 2022.

Robert B. Everson, Jr. – Mayor

Attest:

(seal)

Michelle Bathke – City Finance Officer

First Reading: _____

Second Reading: _____

Adoption: _____

Published: _____

Publish two times: Wednesday October 26, 2022 and Wednesday November 2, 2022

Approximate Costs:

NOTICE OF HEARING

TO: The City of Mitchell Planning Commission, City Council of the City of Mitchell, and the General Public.

You are hereby notified that the following proposed ordinance will be heard and considered by the City Planning Commission on Monday, November 7, 2022 at 12:00 pm (Noon) and the City Council will consider first reading of the proposed ordinance on Monday, November 7, 2022 at 6:00 pm and consider second reading and final adoption on Monday, November 14, 2022 at 5:30 pm. All meetings will held in the Council Chambers, City Hall, 612 N Main St, Mitchell, South Dakota. All interested parties may attend the hearings and provide testimony.

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