

**CITY OF MITCHELL  
CITY PLANNING COMMISSION MINUTES  
MAY 24, 2021**

Chairman Larson called the May 24, 2021 City Planning Commission Meeting to order at 12:00 PM (noon) in the Council Chambers, City Hall, 612 N Main Street.

Members Present: Larson, Jirsa, Osterloo, Genzlinger, Penney, Sonne and Allen  
Members Absent: Molumby

Staff Present: Schroeder, T. Johnson, J. Johnson, Mayor Everson, Councilman Rice, Ellwein, W. London, Sandoval, Croce

Conflicts of Interest: None

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

Approval of Minutes: Motion by Osterloo, seconded by Jirsa to approve the minutes of the May 10, 2021 Planning Commission meeting. All members present voting aye, motion carried.

Schedule Next Meeting: Motion by Genzlinger, seconded by Sonne to schedule the next meeting for June 14, 2021. All members present voting aye, motion carried.

Plat: Lot 2, Block 5 of the Woods First Addition, A Subdivision of the East ½ of the SW ¼ Section 23, T 103 N, R 60 W of the 5<sup>th</sup> P.M., City of Mitchell, Davison County, South Dakota. Schroeder stated that the plat follows the master plan. Schroeder also stated that the plat should be approved contingent on receiving the required elevation data required by the City's Engineering Department. Motion by Genzlinger, seconded by Osterloo to approve the plat with the contingency. All members present voting aye, motion carried.

Rezoning: Jason Heezen, 201 E Norway Avenue

Jason Heezen who owns real property legally described as LotA-3, Sub of Lot A, SW ¼, Section 27, 103-60, Ex. S 128 Feet Thereof, City of Mitchell, Davison County, South Dakota (201 E Norway Ave) is requesting that the property be rezoned from TWC Transportation, Warehousing, and Commercial District to R4 High Density Residential District and have the Official Zoning Map be changed to reflect the same. The purpose of the request is to convert the existing building into a four-plex. Mr. Heezen was present and gave a summary of his request and use of the property and answered questions from the Commission. Sonne asked about potential spot zoning. R4 is located across the street. Motion by Osterloo, seconded by Jirsa to recommend the Board of Adjustment approve the rezoning request. Roll Call: Jirsa yes, Osterloo yes, Genzlinger yes, Penney yes, Sonne yes, Larson yes. Six yes, zero no, motion carried.

Public Hearing: Hearing and Recommendation on an Ordinance Creating Zoning Regulations for Cannabis Establishments.

A public hearing was held at the City Hall Council Chambers which started at approximately 12:11 PM. City Attorney Justin Johnson gave an overview of the proposed ordinance.

Chairman Larson asked about licensing. Johnson responded with the timeline of presenting the licensing and zoning to the City Council.

Sonne asked about the difference of 300' and 1,000 feet buffers for school zones. Johnson stated that state law requires 1,000 feet from school.

Pam Bathke asked where the City came up with the 300 foot buffer zone limit. Johnson stated that 300 feet is the approximate distance of a city block.

Pam Bathke stated that state law requires a 500' buffer zone for other named types of locations for a drug free zone. She requested that the City consider using a 500' versus 300' buffer zone.

Sonne asked what happens when an existing entity capable of dispensing cannabis falls within a restricted area. Johnson stated there is the variance procedure for certain areas. Johnson discussed the possible role pharmacies will play in cannabis which the Mayor also commented.

Genzlinger recommended moving the buffer zones from 500' to 600' to bring the total distance to an even typical two block radius.

Chairman Larson stated that this is a preliminary hearing. He stated that many good thoughts have been laid out. He would not be opposed to moving the buffer zone to 500' or 600' versus 300'.

Johnson stated that the reason the 300' radius buffer zone was chosen was to not make the zones too restrictive. Johnson stated that if the buffer zone was expanded there would be the chance that certain zones would be zoned out such as the Central Business District.

The Mayor stated that the City does not want to be too restrictive with the buffer zones.

City Administrator Stephanie Ellwein stated that the buffer zone is not just from the business but from the edge of the property. The 300' buffer starts at the property line and extends out.

Chairman Larson stated that restrictive zoning is something that should be considered.

Jirsa asked if there was a buffer from the residential districts. Johnson stated that there is not a buffer from the residential district themselves. They are not allowed in residential but there is not a buffer. Johnson stated that adding a buffer zone to the residential would zone out a large portion of allowable area.

Pam Bathke thought the area at Spruce Street would be an option of good location.

Motion by Osterloo, seconded by Penney to recommend approval to the City Council of the ordinance creating zoning regulations for cannabis establishments. Roll Call: Jirsa yes, Osterloo yes, Genzlinger no, Penney yes, Sonne yes, Larson yes. Five yes, one no, motion carried.

The public hearing ended at 12:30 PM.

Public Comments: None

Chairman Larson adjourned the meeting at 12:31 PM.

*Jay A. Larson, Chairman*  
*06-14-2021*