

CITY OF MITCHELL  
CITY PLANNING COMMISSION MINUTES  
February 3, 2022

APPROVED

1. Vice-Chairperson Molumby called the February 3, 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: Molumby, Osterloo, Penney, Genzlinger, Jirsa (telephonically), Doescher.  
Absent: Larson., Penney,  
Staff Present: Jenniges, J Johnson, Ellwein.
3. Declare conflicts of interest-None
4. Approval of amended agenda: Motion by Genzlinger, seconded by Sonne, to approve the proposed agenda. Roll call vote: Larson – absent, Molumby – aye, Jirsa –aye, Osterloo – aye, Genzlinger – aye, Sonne –aye, Penney– absent. 5 aye, 0 nay, 2 absent, motion carried.
5. Approval of proposed minutes: Motion by Osterloo, seconded by Genzlinger, to approve the minutes of the January 10, 2022 Planning Commission meeting. Roll call vote: Larson – absent, Molumby – aye, Jirsa –aye, Osterloo – aye, Genzlinger – aye, Sonne –aye, Penney– absent. 5 aye, 0 nay, 2 absent, motion carried.
6. Schedule next meeting: Motion by Genzlinger, seconded by Osterloo, to schedule the next meeting for February 14, 2022. Roll call vote: Larson – absent, Molumby – aye, Jirsa –aye, Osterloo – aye, Genzlinger – aye, Sonne –aye, Penney– absent. 5 aye, 0 nay, 2 absent, motion carried..
7. Plat: Plat of Lots 25 & 26 of the Island First Addition, a subdivision of the SE ¼ of Section 31, Township 104, Range 60 West of the 5<sup>th</sup> P.M. to the City of Mitchell, Davison County, South Dakota; as requested by Maui Farms Inc. The applicant was not present to answer questions.

Jenniges gave a description of the two lots being platted. These two lots will become one parcel but staff did not want to lose any of master plan future lot numbers. There are no easements between the two lots since the owner intends to build across the lot lines.

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

8. Public Hearing: Hearing and Recommendation on Ordinance #2022-01, Repealing, Readopting and Amending Zoning Regulations for Cannabis Establishments.

Johnson gave an overview of the proposed changes to the ordinance. The first is changing the title number associated to the location of the ordinance which was done incorrectly and put under the building regulations title and was supposed to be under zoning regulations title. The second is removing “but excluding public rights of way” from Section 10-15-6(B). Staff has found that measuring excluding public rights of way like the interstate has created some issues and extra variances that were not intended when the ordinance was written. Also the existing language can have the direct line from property line to property line be all in the rights of way even if the properties are over a mile apart but on opposite sides of the right of way. Johnson gave some other examples that staff was looking at proposing for changes but including the public rights of way was the simplest to follow.

Genzlinger agreed it should be property line to property line and include rights of way. Molumby agreed.

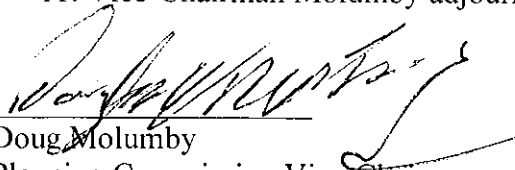
Johnson stated state law only requires 1,000’ from schools, K-12, and the City of Mitchell put more restriction by adding the 1,000’ from dispensary to dispensary and picked the 1,000’ to stay consistent with the state. The city also allows for variances to be requested when hardships can be presented and there is a process those applicants will have to follow.

Motion by Genzlinger, seconded by Osterloo, to recommend approval of O-2022-01. Roll call vote: Larson – absent, Molumby – aye, Jirsa – aye, Osterloo – aye, Genzlinger – aye, Sonne – aye, Penney – absent. 5 aye, 0 nay, 2 absent, motion carried.

9. Other Business-None.

10. Public Comment-None.

11. Vice-Chairman Molumby adjourned the meeting at 12:19 P.M.

  
Doug Molumby  
Planning Commission Vice-Chairperson

2-14-22