

**CITY OF MITCHELL
CITY PLANNING COMMISSION AGENDA
CITY COUNCIL CHAMBERS, CITY HALL
612 N MAIN ST
JANUARY 10, 2022 @ 12:00P.M. (NOON)**

- 1. Call To Order:**
- 2. Roll Call:**
- 3. Declaration Of Conflicts Of Interests**
- 4. Approve Agenda:**
- 5. Approval Of Previous Minutes 12-13-21**

Documents:

[PLANNING COMMISSION UNSIGNED MINUTES 12-13-21.PDF](#)

- 6. Schedule Next Meeting-January 24, 2022 @ 12:00 P.M.**
- 7. Plat: Lot 1 Of Plain's Addition, In Section 23, Township 103 North, Range 60 West To The City Of Mitchell, Davison County, South Dakota; As Requested By Plains Commerce Bank.**

Documents:

[PLAINS COMMERCE BANK-PLAT.PDF](#)
[PLAINS COMMERCE BANK-GIS.PDF](#)

- 8. Plat: Lot 5, Block 1 Of Woodland Heights First Addition, A Subdivision Of Lot 2, Crane's Addition In The SE 1/4 Of Section 24, T 103 N, R 60 W Of The 5th P.M., City Of Mitchell, Davison County, South Dakota; As Requested By Ethan Lumber.**

Documents:

[ETHAN LUMBER-WOODLAND HEIGHTS-PLAT.PDF](#)
[ETHAN LUMBER-WOODLAND HEIGHTS-GIS.PDF](#)

- 9. Variance: FSST Pharms LLC D/B/A Native Nations Cannabis-1620 S Burr St, Suite #5**
FSST Pharms, LLC d/b/a Native Nations Cannabis has applied for a variance of approximately 16 feet vs 300 feet as required to be from an educational institution and a variance of approximately 950 feet vs 1,000 feet as required to be from another medical cannabis dispensary; located at 1620 S Burr St, Suite #5, legally described as Lot 4 of AMOCO Irregular Tract located in the SE ¼ of Section 27, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. The said real property is zoned HB Highway Business District.

Documents:

[FSST PHARMS LLC-APPLICATION.PDF](#)
[FSST PHARMS LLC-GIS.PDF](#)

[FSST PHARMS LLC-NEIGHBORS.PDF](#)
[FSST PHARMS LLC-NOTICE OF HEARING.PDF](#)

10. Plan Approval-FSST Pharms, LLC D/B/A Native Nations Cabbabis-1620 S Burr St, Suite #5

Documents:

[FSST PHARMS LLC-GIS.PDF](#)

11. Variance: DLJ LLC-501 E Juniper Ave

DLJ LLC has applied for a variance of approximately 448 feet vs 1,000 feet as required to be from another medical cannabis dispensary; located at 501 E Juniper Ave, legally described as Lot S-3A Ex E 63' in the Replat of Lot S in the NW ¼ of Section 27, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. The said real property is zoned HB Highway Business District.

Documents:

[DLJ LLC-APPLICATION.PDF](#)
[DLJ LLC-GIS.PDF](#)
[DLJ LLC-NEIGHBORS.PDF](#)
[DLJ LLC-NOTICE OF HEARING.PDF](#)
[DLJ LLC-LETTER FROM NEIGHBOR-PATZER.PDF](#)

12. Plan Approval-DLJ LLC-501 E Juniper Ave

Documents:

[DLJ LLC-GIS.PDF](#)
[DLJ LLC-PLAN.PDF](#)

13. Conditional Use Permit: Genesis Farms LLC-106 W 5th Ave

Genesis Farms LLC has applied for a Conditional Use Permit to operate a Medical Cannabis Dispensary; located at 106 W 5th Ave, legally described as Lots 11 and 12, Block 12, Rowley's 1st Addition, City of Mitchell, South Dakota. The said real property is zoned CB Central Business District.

Documents:

[GENESIS FARMS LLC-APPLICATION-CUP.PDF](#)
[GENESIS FARMS LLC-GIS.PDF](#)
[GENESIS FARMS LLC-NEIGHBORS.PDF](#)
[GENESIS FARMS LLC-NOTICE OF HEARING-CUP.PDF](#)
[GENESIS FARMS LLC-LETTER FROM NEIGHBOR-WEISSER.PDF](#)

14. Variance: Genesis Farms LLC-106 W 5th Ave

Genesis Farms LLC has applied for a variance of 0 feet vs 300 feet as required to be from religious institution; located at 106 W 5th Ave, legally described as Lots 11 and 12, Block 12, Rowley's 1st Addition, City of Mitchell, South Dakota. The said real

property is zoned CB Central Business District.

Documents:

[GENESIS FARMS LLC-APPLICATION-VARIANCE.PDF](#)
[GENESIS FARMS LLC-GIS.PDF](#)
[GENESIS FARMS LLC-NEIGHBORS.PDF](#)
[GENESIS FARMS LLC-NOTICE OF HEARING-VARIANCE.PDF](#)
[GENESIS FARMS LLC-LETTER FROM NEIGHBOR-WEISSER.PDF](#)

15. Other Business:

16. 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.

17. 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
December 13, 2021

NOT APPROVED

1. Chairperson Larson called the December 13, 2021 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: Larson, Molumby, Osterloo, Sonne, Genzlinger, Jirsa. Doescher.
Absent: Penney.
Staff Present: Jenniges, Schroeder, T Johnson, J Johnson, Ellwein, Mayor Everson.
3. Declare conflicts of interest-Sonne abstain on item #11, Genzlinger abstain on item #10.
4. Approval of proposed agenda: Motion by Genzlinger, seconded by Osterloo, to approve the proposed agenda. All present members voting aye, motion carried.
5. Approval of proposed minutes: Motion by Molumby, seconded by Osterloo, to approve the minutes of the November 22, 2021 Planning Commission meeting. All present members voting aye, motion carried.
6. Schedule next meeting: Motion by Molumby, seconded by Sonne, to schedule the next meeting for January 10, 2022. All present members voting aye, motion carried.
7. Plat: Plat of Lot 4A, Block 2 of Circle K Ranch Second Addition, a subdivision of an unplatted portion of the SE ¼ of Section 6 and all of previously platted Lot 4, Block 2 of Circle K Ranch Second Addition in the SE ¼ of Section 6, T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota; as requested by Matthew & Angella Buenzow. The applicant was not present to answer questions.

Jenniges explained the shelterbelt was never platted and now Buenzows are purchasing the shelterbelt and replatting into one lot.

Motion by Jirsa, seconded by Molumby, to recommend approval of the Plat. All present members voting aye, motion carried.

8. Plat: Plat of Lot 4A of Circle K Ranch First Addition, a subdivision of an unplatted portion of the SE ¼ of Section 6 and all of previously platted Lot 4 of Circle K Ranch First Addition in the SE ¼ of Section 6, all in T 103 N, R 60 W of the 5th P.M., Davison County, South Dakota; as requested by Richard and Joleen Mueller. The applicant was not present to answer questions.

Jenniges explained the shelterbelt was never platted and now Muellers are purchasing the shelterbelt and replatting into one lot.

Motion by Jirsa, seconded by Sonne, to recommend approval of the Plat. All present members voting aye, motion carried.

9. Plat: Plat of Lots 81A & 82A of Overlook Addition, an addition to the City of Mitchell, Davison County, South Dakota; as requested by City of Mitchell. The applicant was present to answer questions.

Jenniges explained that when Dry Run Creek Park modifications were made a cul-de-sac was created and now Lot 81 and 82 have portions of it in the ROW. The two new parcels will be transferred to Habitat for Humanity. Variances will need to be obtained before they can build on them.

Motion by Genzlinger, seconded by Osterloo, to recommend approval of the Plat. All present members voting aye, motion carried.

10. Plan Approval: BWD Mitchell LLC d/b/a BesaMe Wellness is proposing to open a Medical Cannabis Dispensary Facility located at 1400 S Burr St. This is currently zoned HB. The applicant was present to answer questions.

Jenniges explained GIS, site-layout and signage plans were provided in the packet. They are not changing any ingress or egress to the parking lots or changing the overall footprint of the existing building. City Council approved the license at its last meeting. All interior modifications and regulations will be addressed with the building permit.

Motion by Molumby, seconded by Jirsa, to approve the Plan. Five present members voted aye with Genzlinger abstaining, motion carried.

11. Plan Approval: CJM Consulting Inc. is proposing their master plans for South Lake Estates, it is currently zoned Residential Lake. The applicant was present to answer questions.

Jeff McCormick of SPN gave an overview of the master plan. There are 120 lots proposed all of which are inside Indian Head Drive. Most lot sizes will be 85' x 120'. They are vacating the interior alleys but existing utility easements will stay. There is a city owned dedicated park that will stay. Some of the road names will be changed and that will be done through LEPC approval and resolutions with City of Mitchell. A preliminary review was done by the MFD and they see no issues.

Molumby question if there was enough sewer capacity to which was answer there are two lift stations in the area that will be able to handle it.

Schroeder stated curb and gutter will be figured out with the developer's agreement that City Council will have to approve.

Chuck Mauszycki Sr. stated this project is 40 years in the making. It will be the best and

nicest spot in Mitchell. He will need teamwork from the City and Developer to make this happen.

Motion by Jirsa, seconded by Genzlinger, to approve the proposed Master Plan. Roll call vote: Larson – aye, Molumby – aye, Jirsa – aye, Osterloo – aye, Genzlinger – aye, Sonne – abstain, Penney – absent. 5 aye, 0 nay, 1 absent, 1 abstain, motion carried.

12. Rezone: City of Mitchell is requesting the following properties legally described as:

Parcel 1. The W 208.75 feet of the S 208.75 feet of the SE ¼ of the SE ¼ of Section 36, T 104 N, R 61 W of the 5th P.M., Davison County, South Dakota;

Parcel 2. Kelley Tract 1, SW ¼ of the SE ¼ of Section 36, T 104 N, R 61 W of the 5th P.M., Davison County, South Dakota;

Parcel 3. The SW ¼ of SE ¼ Less Kelley Tract 1, Section 36, T 104 N, R 61 W of the 5th P.M., Davison County, South Dakota;

Parcel 4. N ½ & SE ¼ of the SE ¼ Ex Irregular Tract 1 Ex W 208.75 feet of the S 208.75 feet Ex Lot 1 of DN & KN Addition of Section 36, T 104 N, R 61 W of the 5th P.M., Davison County, South Dakota;

be rezoned from Davison County Agriculture to City of Mitchell Urban Development. The applicant was present to answer questions. Notices were sent out to the neighbors and it was published in the official newspaper.

Jenniges explained that when the city annexed the 4 parcels in to city limits the zoning aspect did not get changed, so technically there is no zoning on these 4 parcels. Nothing is changing to the east of 406th Ave, just the 4 parcels on the west side of 406th Ave will become the same zoning as on the east side.

Motion by Jirsa, seconded by Genzlinger, to recommend approval of the rezoning request. Roll call vote: Larson – aye, Molumby – aye, Jirsa – aye, Osterloo – aye, Genzlinger – aye, Sonne – aye, Penney – absent. 6 aye, 0 nay, 1 absent, motion carried.

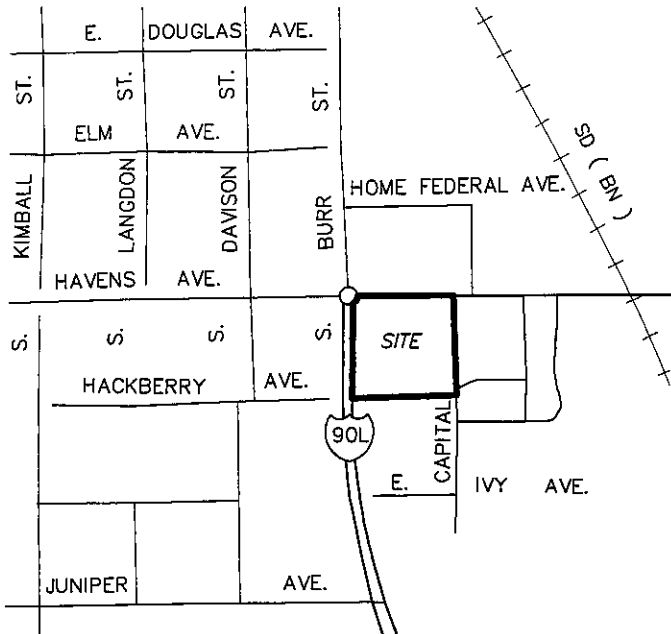
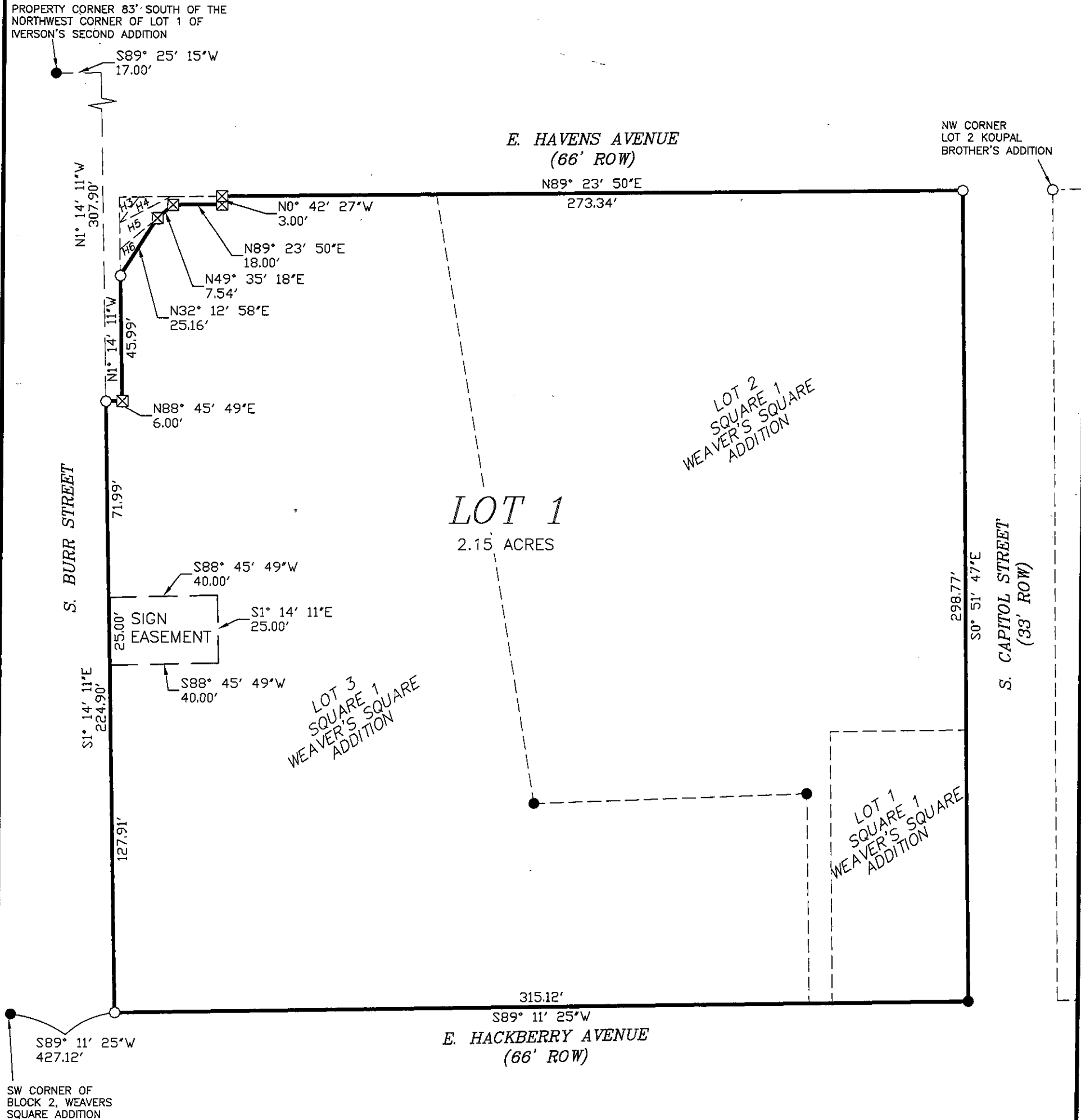
13. Other Business-None.

14. Public Comment-None.

15. Chairman Larson adjourned the meeting at 12:28 P.M.

Jay Larson
Planning Commission Chairperson

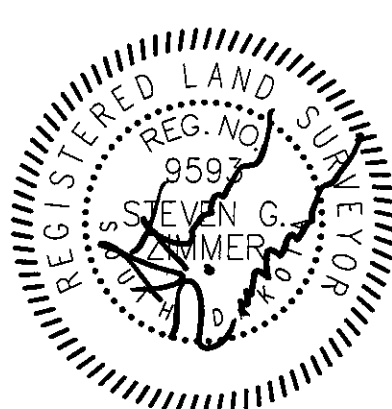
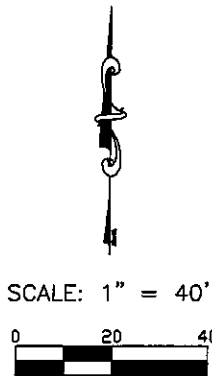
LOT 1 OF PLAIN'S ADDITION,
IN SECTION 23, TOWNSHIP 103 NORTH, RANGE 60 WEST
TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.



LEGEND:

- FOUND MONUMENT
- SET 5/8" REBAR W/CAP #9593
- ⊠ NAIL IN ASPHALT

NOTES:
BASIS OF BEARING IS UTM 14 NORTH, GROUND DISTANCE.



Brosz 2309 W. 50th Street,
Sioux Falls, S.D. 57105
Ph. (605) 334-4882
Fax (605) 334-5745

DATE: 12/7/2021	
CHECKED BY: SGZ	DRAWN BY: CHS
PROJ. NO.: 2104275	PAGE NO.: 1 OF 3

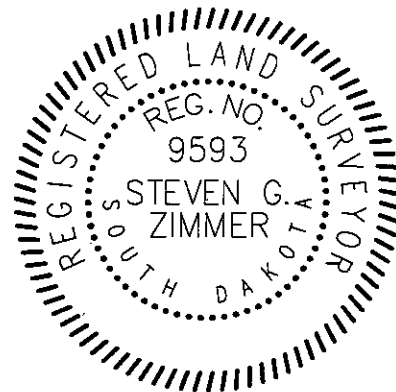
SURVEYOR'S CERTIFICATE

DATED THIS 7TH DAY OF DECEMBER, 2021.

REGISTERED LAND SURVEYOR

STEVEN G. ZIMMER

NO. 9593



OWNER'S CERTIFICATE

LOT 1, SQUARE 1, WEAVER'S SQUARE ADDITION TO THE TOWN (NOW CITY) OF MITCHELL, SOUTH DAKOTA ON FILE AT THE REGISTER OF DEEDS OFFICE IN BOOK 3, PAGE 7 OF PLATS, AND LOT 2 IN SQUARE 1 OF WEAVER'S SQUARES ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA ON FILE AT THE REGISTER OF DEEDS OFFICE IN BOOK 13, PAGE 19 OF PLATS AND LOT 3 IN SQUARE 1 OF WEAVER'S SQUARES ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA ON FILE AT THE REGISTER OF DEEDS OFFICE IN BOOK 13, PAGE 26, SAID PLATS, HEREBY VACATED, BEING SITUATED WITHIN DESCRIBED LOT 1 OF PLAIN'S ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

JILL LUQUE
EXECUTIVE VICE PRESIDENT, PLAINS COMMERCE BANK

STATE OF SOUTH DAKOTA)

)SS

COUNTY OF DAVISON)

ON THIS _____ DAY OF _____, 2021, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED JILL LUQUE WHO ACKNOWLEDGED HERSELF TO BE THE EXECUTIVE VICE PRESIDENT, RESPECTIVELY, OF PLAINS COMMERCE BANK, AND THAT SHE AS SUCH EXECUTIVE VICE PRESIDENT BEING AUTHORIZED SO TO DO, EXECUTED THE FORGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED, BY SIGNING THE NAME OF THE CORPORATION BY HERSELF AS EXECUTIVE VICE PRESIDENT, RESPECTIVELY.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 202_____.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC
STATE OF SOUTH DAKOTA

LOT 1 OF PLAIN'S ADDITION,
IN SECTION 23, TOWNSHIP 103 NORTH, RANGE 60 WEST
TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

RESOLUTION OF CITY PLANNING COMMISSION

WHEREAS, THE PLAT OF LOT 1 OF PLAIN'S ADDITION IN SECTION 23, TOWNSHIP 103 NORTH, RANGE 60 WEST OF THE FIFTH PRINCIPAL MERIDIAN TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, PREPARED BY STEVEN G. ZIMMER, 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, 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 LOT 1 OF PLAIN'S ADDITION IN SECTION 23, TOWNSHIP 103 NORTH, RANGE 60 WEST OF THE FIFTH PRINCIPAL MERIDIAN TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, PREPARED BY STEVEN G. ZIMMER, 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.

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS PASSED BY THE CITY PLANNING COMMISSION OF MITCHELL, SOUTH DAKOTA, AT A MEETING HELD ON THE _____ DAY OF _____, 2021

CHAIRPERSON/VICE CHAIRPERSON OF THE CITY OF MITCHELL
PLANNING COMMISSION

CITY FINANCE OFFICER'S CERTIFICATE

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 IS MEETING HELD ON THE _____ DAY OF _____, 2021;

AND

WHEREAS, IT APPEARS FROM AN EXAMINATION OF THE PLAT OF LOT 1 OF PLAIN'S ADDITION IN SECTION 23, TOWNSHIP 103 NORTH, RANGE 60 WEST OF THE FIFTH PRINCIPAL MERIDIAN TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, AS PREPARED BY STEVEN G. ZIMMER, 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 1 OF PLAIN'S ADDITION TO THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA, PREPARED BY STEVEN G. ZIMMER, BE AND THE SAME IS HEREBY APPROVED AND THE DESCRIPTION SET FORTH THEREIN AND THE ACCOMPANYING SURVEYOR'S CERTIFICATE SHALL PREVAIL. THE UNDERSIGNED DOES HEREBY CERTIFY THAT THE FOREGOING RESOLUTION WAS PASSED BY THE CITY OF MITCHELL, SOUTH DAKOTA, AT A MEETING HELD ON THE

_____ DAY OF _____, 2021.

CHAIRPERSON/VICE CHAIRPERSON OF THE DAVISON
COUNTY PLANNING COMMISSION

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 1 OF PLAIN'S ADDITION TO THE CITY OF MITCHELL, 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 AN CERTIFY THE SAME.

DATED THIS _____ DAY OF _____, 2021.

CHAIRPERSON/VICE CHAIRPERSON OF THE DAVISON
COUNTY PLANNING COMMISSION

AUDITOR'S CERTIFICATE

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THE ABOVE RESOLUTION WAS ADOPTED BY THE BOARD OF COMMISSIONER OF DAVISON COUNTY, SOUTH DAKOTA, AT A REGULAR MEETING HELD ON THE _____ DAY OF _____, 2021.

AUDITOR/DEPUTY AUDITOR OF DAVISON COUNTY

CERTIFICATE OF HIGHWAY AUTHORITY

THE LOCATION OF THE EXISTING APPROACHES ARE HEREBY APPROVED. ANY CHANGE IN THE LOCATION OF THE EXISTING APPROACHES SHALL REQUIRE ADDITIONAL APPROVAL.

HIGHWAY AUTHORITY

TITLE:

DATE:

COUNTY TREASURER'S CERTIFICATE

I, THE TREASURER OF DAVISON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY LAND SHOWN IN THE ABOVE PLAT AS SHOWN BY THE RECORDS OF MY OFFICE, HAVE BEEN PAID IN FULL.

THIS _____ DAY OF _____, 20____.

TREASURER
DAVISON COUNTY, SOUTH DAKOTA

COUNTY DIRECTOR OF EQUALIZATION CERTIFICATE

I, THE DIRECTOR OF EQUALIZATION OF DAVISON COUNTY, SOUTH DAKOTA, DO HEREBY CERTIFY THAT A COPY OF THE ABOVE PLAT HAS BEEN FILED IN MY OFFICE.

THIS _____ DAY OF _____, 20____.

DIRECTOR OF EQUALIZATION
DAVISON COUNTY, SOUTH DAKOTA

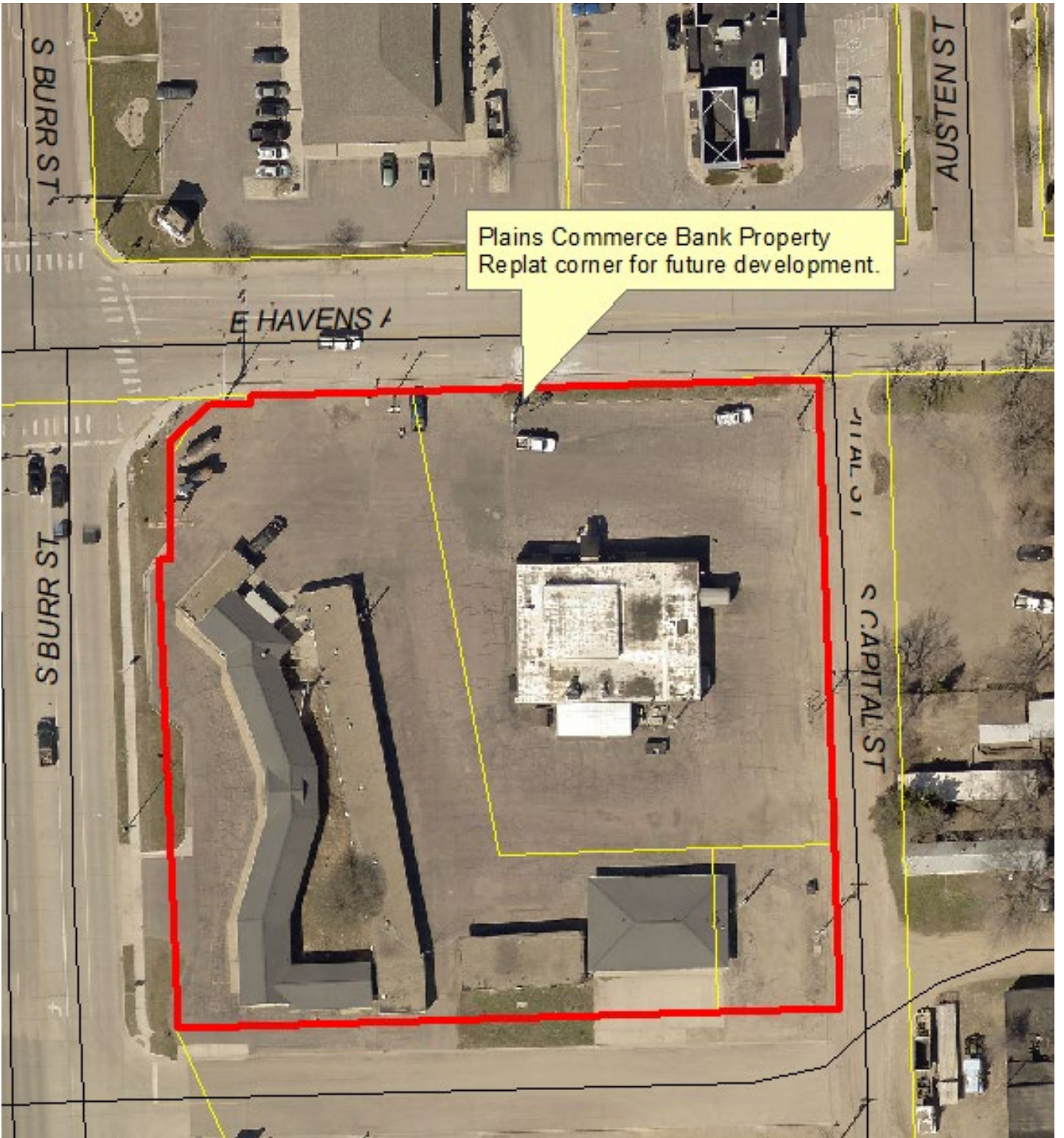
COUNTY REGISTER OF DEEDS

FILED FOR RECORD THIS _____ DAY OF _____, 20____, AT

_____ O'CLOCK, ____M., AND RECORDED IN BOOK _____ OF

PLATS ON PAGE _____.

REGISTER OF DEEDS
DAVISON COUNTY, SOUTH DAKOTA



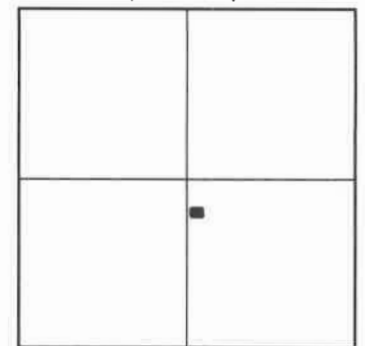


1 Inch = 100 Feet

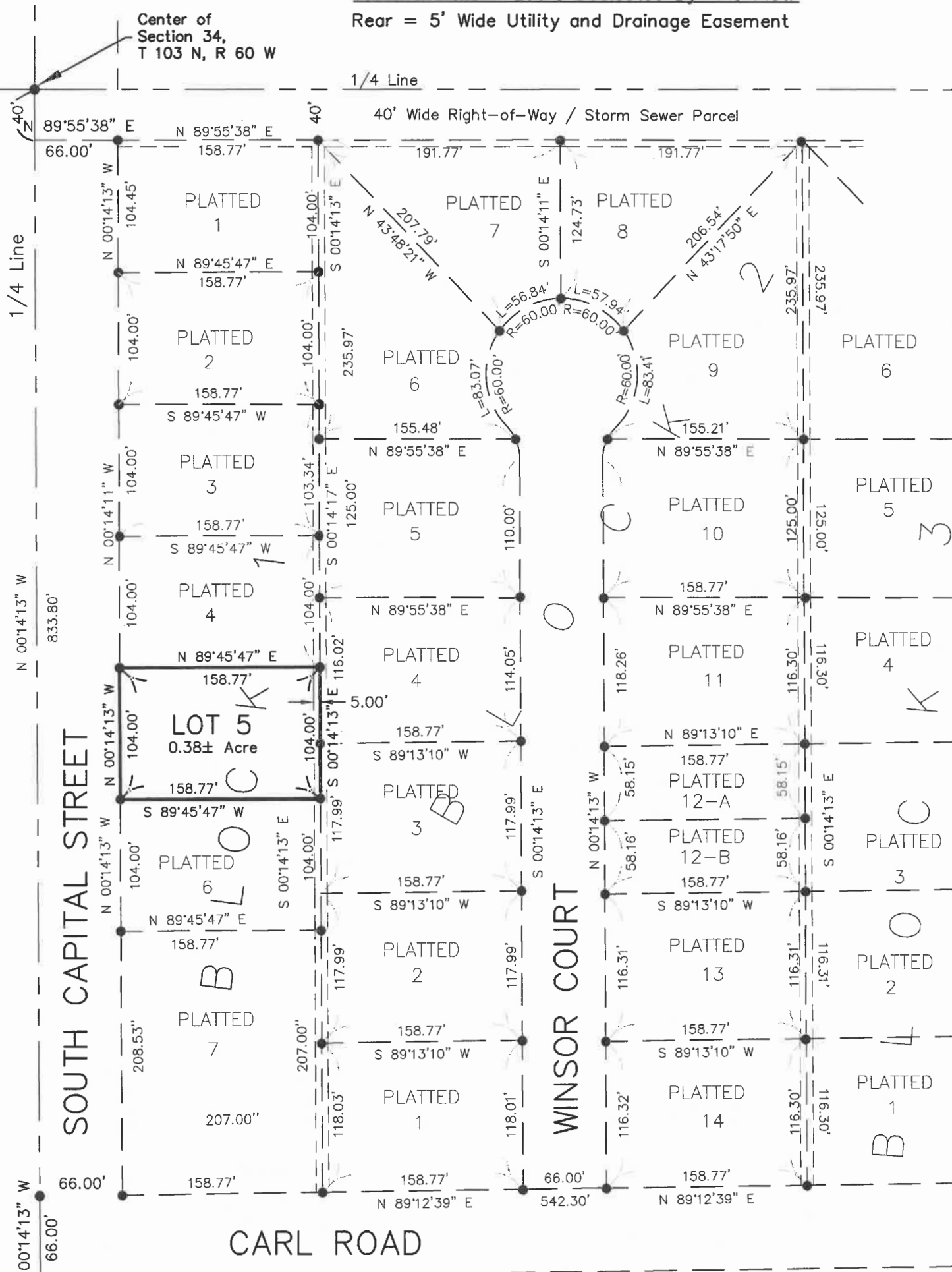
PREPARED BY: PAUL J. REILAND, R.L.S.
2100 NORTH SANBORN BLVD. - P.O. BOX 398
MITCHELL, SOUTH DAKOTA 57301
PHONE: (605) 996-7761

BEARINGS ARE BASED ON AN
ASSUMED COORDINATE SYSTEM
USING GPS GRID BEARINGS/GROUND
DISTANCES

Easement Within Lot 5 Dedicated By This Plat:
Rear = 5' Wide Utility and Drainage Easement



LOCATION MAP
SCALE: 1" = 3000'

**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
- ◇ = SET 3/8" X 12" SPIKE W/WASHER PJR-6702
- WM = WITNESS MONUMENT

NOTE:
THIS SURVEY WAS PERFORMED WITHOUT
THE BENEFIT OF A TITLE REPORT OR TITLE
COMMITMENT. EASEMENTS OF RECORD WERE
NOT RESEARCHED AND ARE NOT SHOWN
UNLESS OTHERWISE NOTED.

A PLAT OF LOT 5, BLOCK 1 OF WOODLAND HEIGHTS FIRST ADDITION,
A SUBDIVISION OF LOT 2, CRANE'S ADDITION IN THE SE 1/4 OF SECTION 34,
T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, 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 Ethan Co-op Lumber Association, Inc., a South Dakota corporation, as owner, and under its direction for purposes indicated therein, I did on or prior to January 3, 2022, survey those parcels of land described as follows: LOT 5, BLOCK 1 OF WOODLAND HEIGHTS FIRST ADDITION, A SUBDIVISION OF LOT 2, CRANE'S ADDITION IN THE SE 1/4 OF SECTION 34, T 103 N, R 60 W OF THE 5TH P.M., CITY OF MITCHELL, 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 _____, 2022.

Registered Land Surveyor #SD6702

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



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

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2022.

CORPORATION ACKNOWLEDGMENT

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

RESOLUTION OF CITY PLANNING COMMISSION

Chairperson/Vice-Chairperson of Planning Commission,
City of Mitchell, South Dakota



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

RESOLUTION OF CITY COUNCIL

Finance Officer/Deputy Finance Officer, City of Mitchell

Date _____

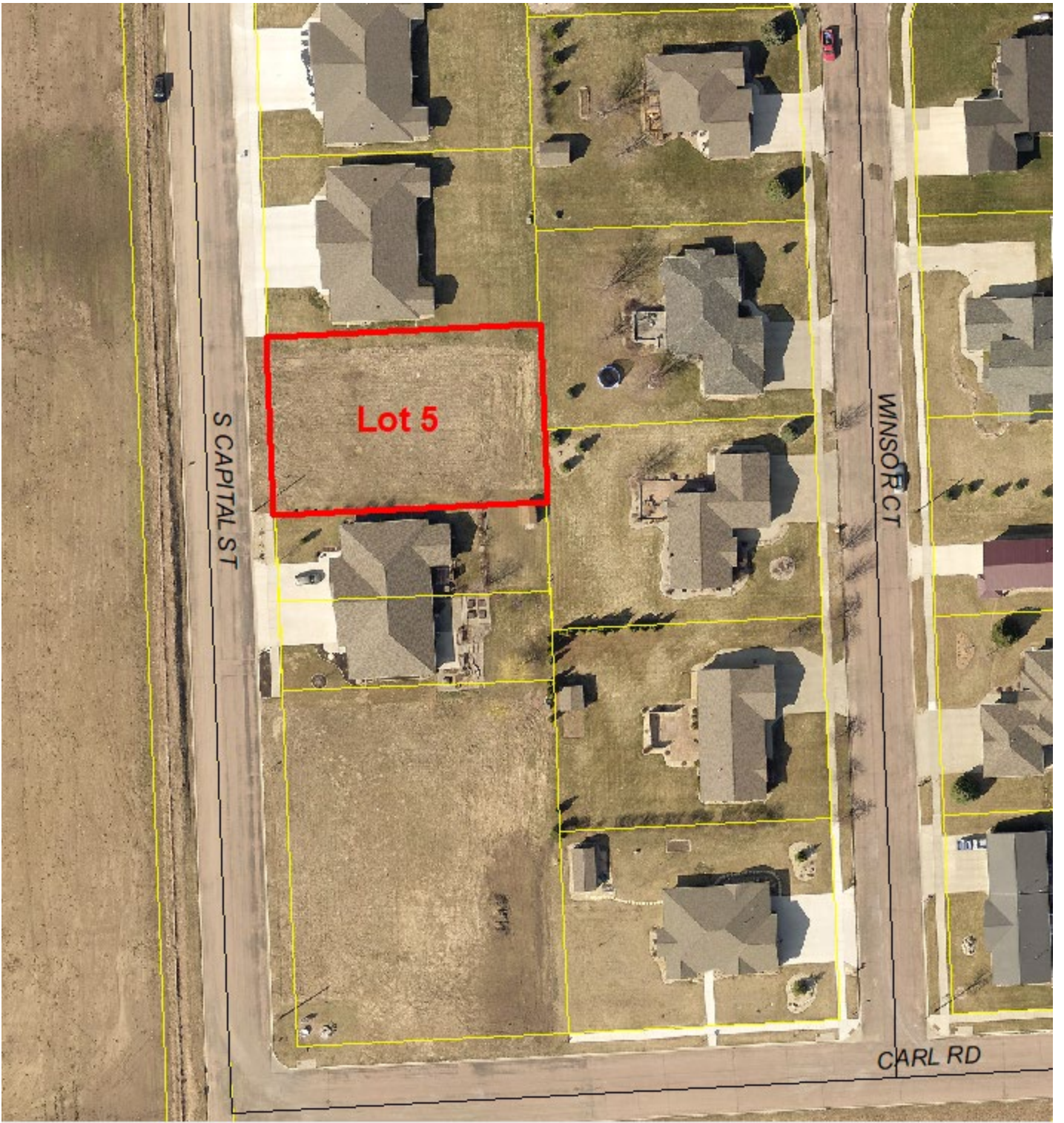
Date _____

Deputy



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





TO: THE MITCHELL PLANNING COMMISSION AND CITY COUNCIL OR BOARD OF ADJUSTMENT, THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

The undersigned applicant(s) and owner(s) is hereby making an application pursuant to the provisions of the City of Mitchell Zoning Code.

The names and addresses of the current property owners within one hundred and forty feet (140') of the applicant's property (excluding streets and alleys) will be notified upon the filing of this application.

Applicant(s) request that dates be set for public hearings before the Mitchell Planning Commission and City Council or City Board of Adjustment. Furthermore, the applicant(s) request the City of Mitchell to publish the appropriate notice(s) in accordance with the City of Mitchell's Ordinances.

☐ Rezoning \$150 application due with the application.

- Applicant is request to rezone property from _____ District to _____ District.

☒ Variance \$100 application due with the application.

- Description of Variance Requested: Please See Attached.

☐ Conditional Use Permit \$100 application due with the application.

- Description of Conditional Use: _____

This Application is for the following described real property:

- Legal Description: AMOCO Irreg. Tract - SE(27)
Lot 4 of AMOCO Irreg. Tract located in the
SE 1/4 of 27-103-60
TIF #21
- Property Address: 1620 S. Burr Street, Suite #5
Mitchell, SD 57301

Dated this 3rd day of December, 2021.

Applicant

Owner

City of Mitchell Variance Application
FSST Pharms, LLC dba Native Nations Cannabis
December 6, 2021

Legal Description of the Property:

AMOCO Irreg. Tract-SE (27)
Lot 4 of AMOCO Irreg. Tract located in the SE¼ of 27-103-60
TIF #21

Physical Address of the Property:

1620 S. Burr Street, Suite #5
Mitchell, SD 57301

Description of Variance Requests:

FSST Pharms, LLC respectfully requests the City of Mitchell's Planning Commission, Board of Adjustment, and other relevant Boards and Committees to approve two variances concerning the property listed above for the following purposes:

1. Variance Request to Waive the Buffer Distance between FSST Pharms' Proposed Dispensary Location and Mitchell Technical Institute.

Due to the exclusion of the distance provided by the public right of way between Mitchell Technical Institute and FSST Pharms' proposed dispensary location, the location is considered to be within 300' of an educational institution, which would be in violation of Section 9-15-6B of the City of Mitchell's Cannabis Zoning Regulations.

Therefore, FSST Pharms respectfully requests the approval of a variance to resolve this discrepancy, and the approval thereof being supported by the additional information provided below.

a. FSST Pharms' Proposed Location Qualifies for this Variance Pursuant to Section 9-15-6B

Section 9-15-6B also provides, in critical part, that such buffer distance may be waived via the variance process "so long as the zoning district for the proposed location would be allowed if the applicable buffer distance requirement were waived."¹

In this case, FSST Pharms' proposed location is situated in the Highway Business ("HB") zoning district, and such district includes the operation of a cannabis dispensary as a permitted use.² Therefore, the proposed location qualifies for this buffer distance waiver as requested.

¹ Section 9-15-6B of the City of Mitchell's Municipal Code.

² See Section 9-15-6A of the City of Mitchell's Municipal Code; See also Attached Mitchell Cannabis Topographical Zoning Map.

b. No Special Privilege Conferred to FSST Pharms

Moreover, in granting this variance, the Planning Commission would not confer any special privilege to FSST Pharms, because all property owners in its zoning district would still have the ability to request a variance under Section 9-15-6B as outlined above.

c. Variance Request is Consistent with the Intent of the City's Cannabis Zoning Chapter, Public Policy, and Rights of Adjacent Property Owners

The City of Mitchell's Cannabis Zoning Chapter was adopted to "minimize the negative effects on adjacent land uses and to promote the public health, safety, and general welfare of the city."³ Furthermore, the intent of these regulations was not to "unreasonably restrict" commercial opportunities for cannabis establishments.⁴ Rather, these regulations were meant to avoid a large concentration of cannabis dispensaries in one area.⁵

FSST Pharms and the Flandreau Santee Sioux Tribe appreciate the importance of the quality education provided by MTI. Likewise, minimizing the risk of unauthorized use or access to cannabis, especially in terms of non-patient minors, remains a fundamental priority of the business. Both of which would likely be the greatest public concerns in granting this variance.

Nevertheless, here, the cannabis dispensary is well beyond 300' from MTI's campus when the public right of way distance is included. This fact coupled with the proposed location's strict adherence to the applicable odor control and advertising regulations would certainly ensure the non-interference of MTI's and other nearby property owners' land use.

More importantly though, controlled access to the medical dispensary and the parental consent requirement for participation of minor patients in South Dakota's medical cannabis program inhibit any greater negative impact on non-patient minors. State law also prohibits people younger than 21 from working in dispensaries.

For these reasons, waiving the buffer distance requirements between the proposed dispensary location and MTI simply would not contravene the public interest or impede the land use of nearby properties.

d. Strict Enforcement of the Buffer Distance Requirements Creates an Unnecessary Hardship

The exclusion of calculating the public right of way distance creates an unnecessary hardship for FSST Pharms in comparison to other property owners in the same district.

As previously mentioned, medical cannabis dispensaries are permitted in the zoning district where FSST Pharms has proposed to operate a dispensary. In spite of this, without a variance, the location cannot be used for such purpose. This is solely due to the property being adjacent

³ Section 9-15-1 of the City of Mitchell's Municipal Code.

⁴ *Id.*

⁵ *Id.*

to a large public right of way created by I-90. Without the distance realized from the right of way, the proposed dispensary location and MTI are considered adjacent to one another.

This measuring method fails to account for the substantial area between the proposed dispensary location and a collegiate institute, and in doing so, renders the property inoperable for medical cannabis dispensary purposes. Conversely, a location in the same zoning district just two blocks north of this proposed site would be capable of operating a medical cannabis dispensary.

Therefore, the location of the property is unreasonably preventing FSST Pharms from using it for a permitted purpose, absent the approval of this variance. In addition, without this variance, FSST Pharms would not have an economically feasible use for the property.

e. Approval of Variance Request Will Not Cause or Contribute to the Formation or Expansion of Blighted Area

FSST Pharms currently operates cultivation and dispensary facilities on the Flandreau Santee Sioux Reservation. These facilities are maintained at the highest level of cleanliness, have been recognized as exceptional in the industry, and continue to rapidly expand.

FSST Pharms intends to operate and develop the proposed facility to that same standard of excellence.

f. FSST Pharms Will Observe and Comply With All Applicable Ordinances and Regulations

FSST Pharms will comply with all applicable laws and regulations concerning this property.

2. Variance Request to Waive the Buffer Distance between FSST Pharms' Proposed Dispensary Location and BWD Mitchell, LLC's Proposed Dispensary Location at 1400 S. Burr Street.

FSST Pharms was notified by the City of Mitchell that an additional variance may be required for our proposed dispensary location, because another business's application for a medical dispensary license within 1000' of our proposed location was filed six days ahead of our application.

Should that business's application with a proposed location at 1400 S Burr Street be approved, our location would be within 1000' of said cannabis dispensary operation. Such distance would be in violation of Section 9-15-6B of the City of Mitchell's Zoning Regulations.

Therefore, FSST Pharms respectfully requests the approval of a variance to address this potential discrepancy, if needed, and the approval thereof being supported by the additional information provided below.

a. FSST Pharms' Proposed Location Qualifies for this Variance Pursuant to Section 9-15-6B

Section 9-15-6B provides that a cannabis dispensary may not operate within 1,000' of another cannabis dispensary.⁶ However, the same subsection also allows for such buffer distance to be waived by the variance process "so long as the zoning district for the proposed location would be allowed if the applicable buffer distance requirement were waived."⁷

In this case, FSST Pharms' proposed location is situated in the Highway Business ("HB") zoning district, and such district includes the operation of a cannabis dispensary as a permitted use.⁸ Therefore, the proposed location qualifies for this buffer distance waiver as requested.

b. No Special Privilege Conferred to FSST Pharms

The Planning Commission would not confer any special privilege to FSST Pharms by approving this variance request, because all property owners in its zoning district, including other potential medical cannabis dispensary owners, would still have the ability to request a variance under Section 9-15-6B as outlined above.

c. Variance Request is Consistent with the Intent of the City's Cannabis Zoning Chapter, Public Policy, and Rights of Adjacent Property Owners

The City of Mitchell's Cannabis Zoning Chapter was adopted to "minimize the negative effects on adjacent land uses and to promote the public health, safety, and general welfare of the city."⁹

⁶ Section 9-15-6B of the City of Mitchell's Municipal Code.

⁷ *Id.*

⁸ See Section 9-15-6A of the City of Mitchell's Municipal Code; See also Attached Mitchell Cannabis Topographical Zoning Map.

⁹ Section 9-15-1 of the City of Mitchell's Municipal Code.

Perhaps most relevant in this circumstance is the intent not to “unreasonably restrict” commercial opportunities for cannabis establishments.¹⁰ Rather, these regulations are meant to avoid a large concentration of cannabis dispensaries in one area.¹¹

Undoubtedly, the presence of two dispensaries within 1000’ of one another would neither constitute a “large concentration” of such operations in this district nor threaten the public health, safety, and general welfare of the city in any way.

In fact, it can be inferred from the waiver language in Section 9-15-6B that the City fully intended to make exception to the overly broad buffer distance to ensure commercial opportunities would be available for responsible and reputable dispensary operations.¹² Here, FSST Pharms, which already operates successful, tribally compliant cultivation and dispensary locations on the Flandreau Santee Sioux Reservation, has distinct industry expertise that many other prospective licensees likely have not yet attained.

Comparatively, the buffer distance requirements the City places on adult use¹³, on-sale alcohol, and off-sale alcohol establishments¹⁴ are far less restrictive than those placed on medical cannabis dispensaries. This framework creates an unreasonable burden that is not justifiable to serve the greater public interest, because dispensaries are far less offensive to the public than the above listed land uses.

Medical cannabis dispensaries, unlike liquor stores or bars, are required to control access to their facilities to the highest of degrees. In general, verification procedures are conducted to confirm a patient has a valid medical registration before he or she can even view medical cannabis products on-site. This is in addition to the myriad of local and state regulations observed by medical cannabis dispensaries related to their security, odor control, advertising, waste management, and other relevant policies and procedures.

Since FSST Pharms will be in strict compliance of all applicable laws and regulations there is no foreseeable interference to the land use of surrounding property owners in waiving this 1000’ buffer distance.

For these reasons, waiving the buffer distance requirements between FSST Pharms’ proposed dispensary location and BWD Mitchell, LLC’s proposed dispensary location simply would not contravene the public interest or impede the land use of nearby properties, and is consistent with the intent of the City’s Cannabis Zoning Regulations.

¹⁰ *Id.*

¹¹ *Id.*

¹² “[B]uffer distances may be waived . . . so long as the zoning district for the proposed location would be allowed if the applicable buffer distance requirement were waived.” Section 9-15-6B of the City of Mitchell’s Municipal Code.

¹³ “Adult use” establishments must be at least 600’ away from other “adult use” establishments in select zoning districts. Section 10-12-3A of the City of Mitchell’s Municipal Code.

¹⁴ Such establishments are restricted to certain zoning districts. See Title 10 of the City of Mitchell’s Municipal Code.

d. Strict Enforcement of the Buffer Distance Requirements Creates an Unnecessary Hardship

Failure to approve this variance to waive the 1000' buffer distance requirement between the proposed dispensary locations would create an unnecessary hardship for FSST Pharms.

As previously mentioned, medical cannabis dispensaries are permitted in the zoning district where FSST Pharms has proposed to operate a dispensary. In spite of this, without a variance, the location cannot be used for such purpose.

This is solely due to its proposed location site being within 1000' of **one** other separate business's proposed dispensary location. As previously mentioned, this distance is overly restrictive and far greater than what is imposed on adult use, on-sale and off-sale alcohol establishments. Conversely, a location in the same zoning district four blocks away from the competitor's proposed site would be capable of operating a medical cannabis dispensary.

Thus, by strictly enforcing the buffer distance in this instance, FSST Pharms would be unreasonably disadvantaged compared to other property owners in the district. Similarly, such enforcement would be counterintuitive to the intent of the zoning regulations for medical cannabis dispensaries.

e. Approval of Variance Request Will Not Cause or Contribute to the Formation or Expansion of Blighted Area

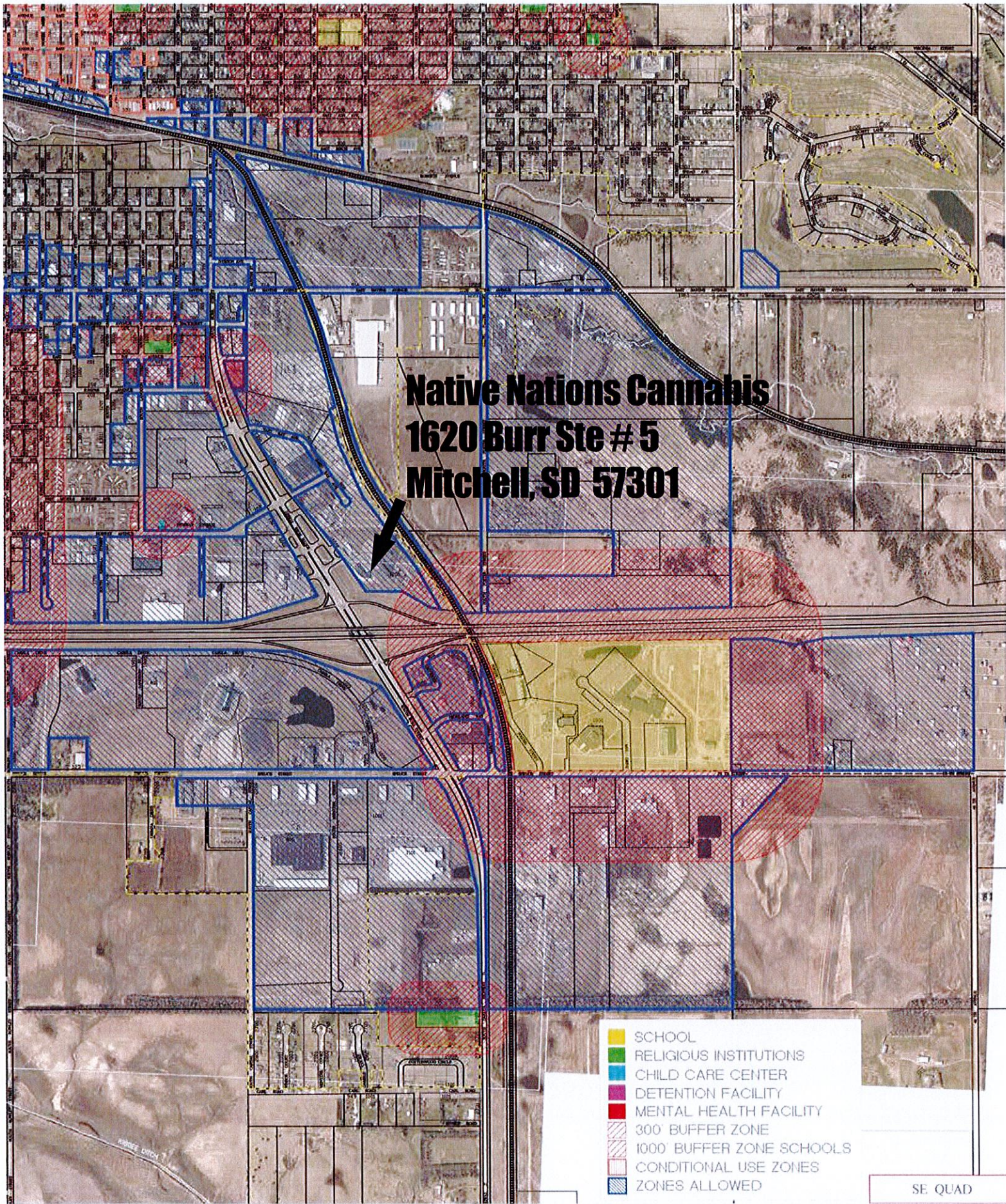
FSST Pharms currently operates cultivation and dispensary facilities on the Flandreau Santee Sioux Reservation. These facilities are maintained at the highest level of cleanliness, have been recognized as exceptional in the industry, and continue to rapidly expand.

FSST Pharms intends to operate and develop the proposed facility to that same standard of excellence.

f. FSST Pharms Will Observe and Comply With All Applicable Ordinances and Regulations

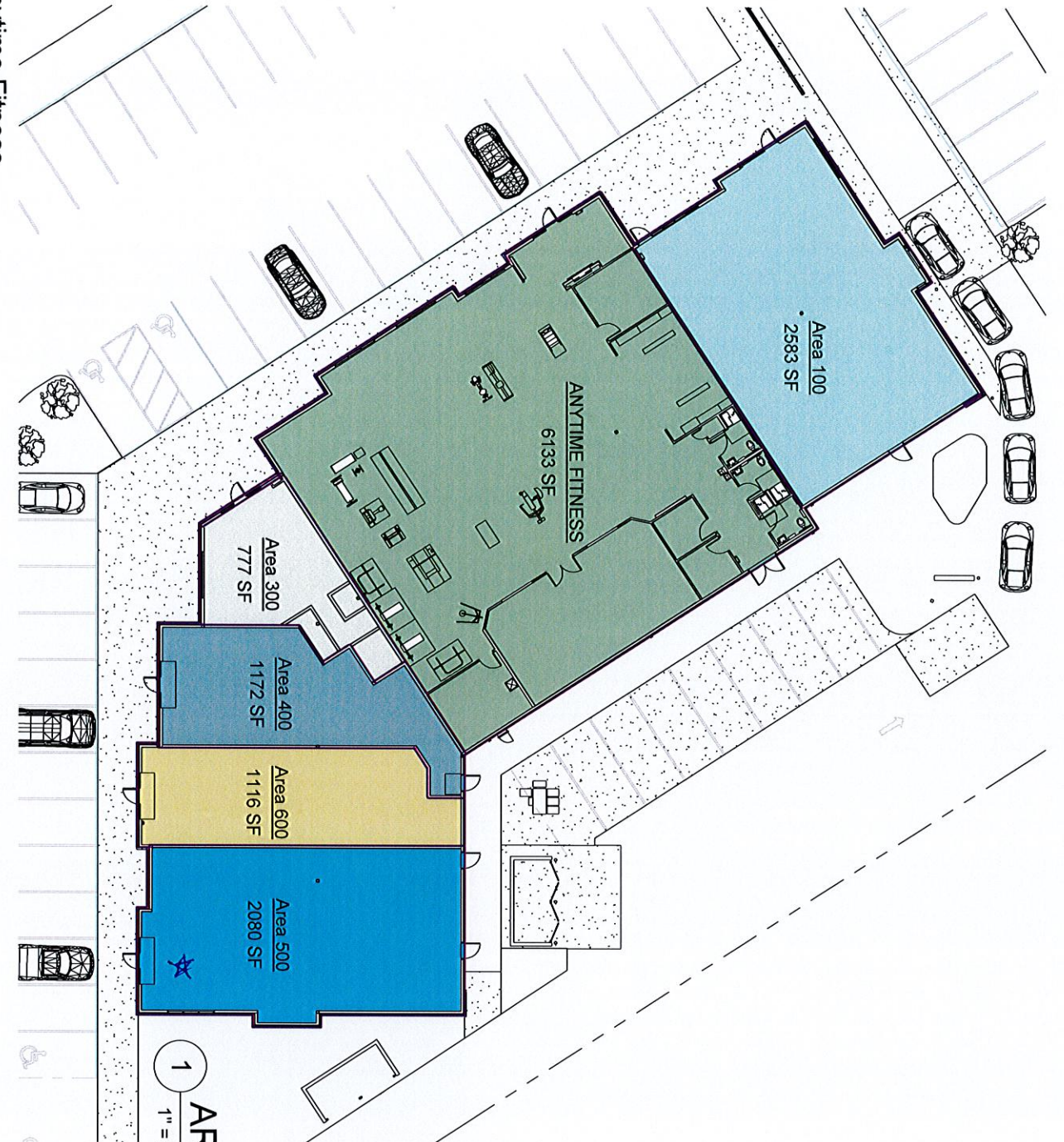
FSST Pharms will comply with all applicable laws and regulations concerning this property.

FSST Pharms and the Flandreau Santee Sioux Tribe thanks you for your review and consideration of the foregoing variance requests. If you have any questions regarding these requests, please contact Tre Gillaspie, Assistant Attorney General at Tre.Gillaspie@fsst.org or (605) 573-4216.



Anytime Fitness
Mitchell, SD

Building Area



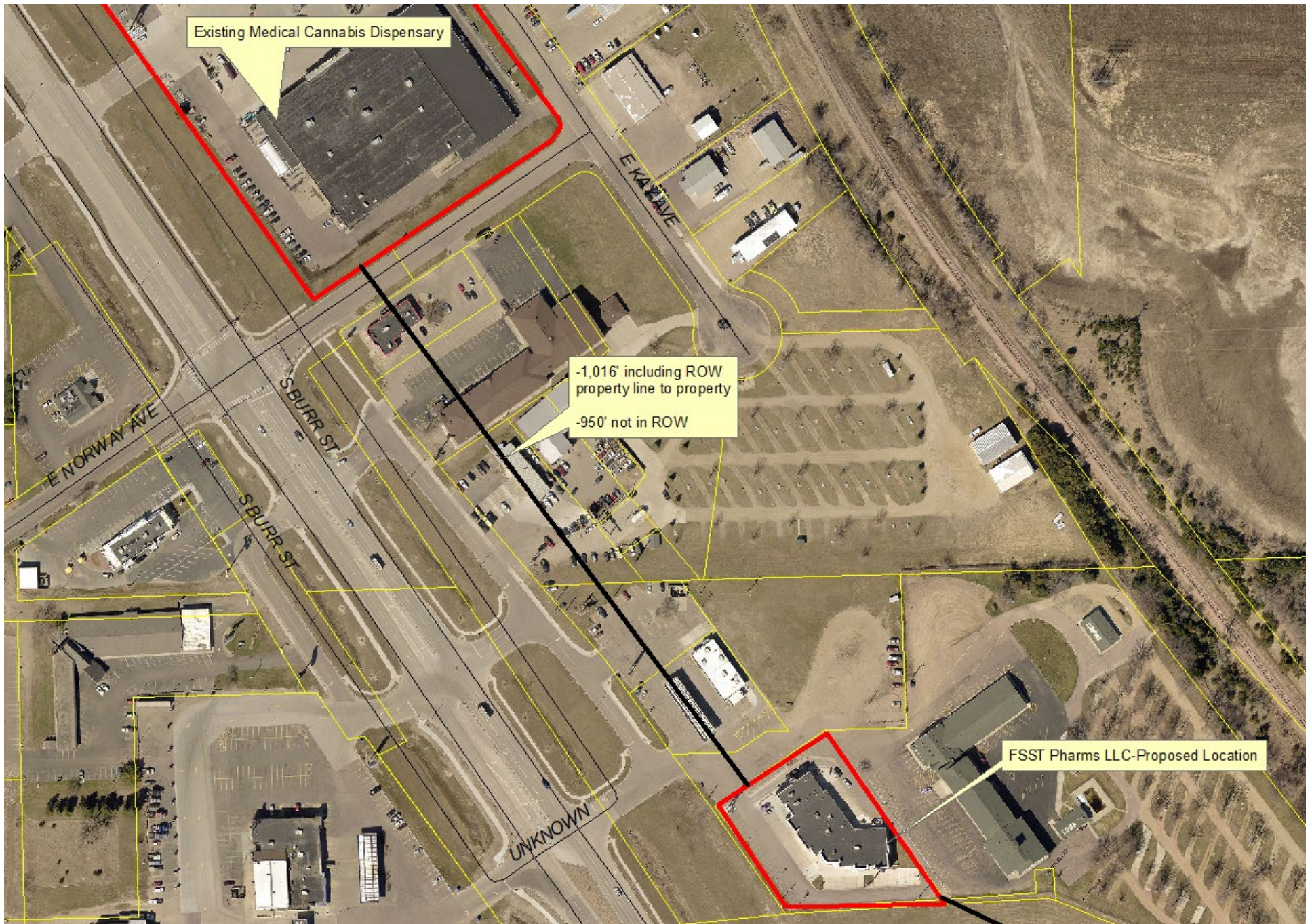
1
1" = 20'-0"

AREA PLAN - Rentable S.F.

Area Schedule (Rentable)	
Name	Area
Area 300	777 SF
ANYTIME FITNESS	6133 SF
Area 100	2583 SF
Area 400	1172 SF
Area 500	2080 SF
Area 600	1116 SF
	13861 SF

* denotes
project area





FSST Pharms LLC
603 W. Broad Ave
Flandreau, SD 57028

Hohn Enterprises LLC
25813 E Enemy Creek LP
Mitchell, SD 57301

Hohn Brothers LLC
1510 S Burr St
Mitchell, SD 57301

Graham Oil Co
PO Box 1052
Mitchell, SD 57301

Eight West LLC
125 Muirfield Ct
Vermillion, SD 57069

Holiday Station Stores LLC
4567 American BLVD W
Bloomington, MN 55437

Radhe LLC
541 Indianapolis Ave
Hot Springs, SD 57747

McDonalds Corp
1216 S 199th St
Omaha, NE 68130

MTI Foundation
7345 Valley View RD
Brookings, SD 57006

Mitchell School Dist 17-2
800 W 10th Ave
Mitchell, SD 57301

Thomsen Family LLC
1920 Highland Way
Mitchell, SD 57301

City of Mitchell
612 N Main St
Mitchell, SD 57301

Highland Development LLC
PO Box 1244
Mitchell, SD 57301

Highland Travel Plaza LLC
2160 Highland Way
Mitchell, SD 57301

Olson T A Limited Partnership
951 S Marion Rd
Sioux Falls, SD 57107

Kelly Midwest Ventures
3205 W Sencore Dr
Sioux Falls, SD 57107

Porter Apple Leasing Co LLC
4101 Carnegie Place
Sioux Falls, SD 57106

Cabelas Wholesale Inc
One Cabela Drive
Sydney, NE 69160

TDR Passthru LLC
771 Chesapeake Dr
Tarpon Springs, FL 34689

NOTICE OF HEARING

To: The Planning Commission, Board of Adjustment of the City of Mitchell, Mitchell South Dakota, and to the general public:

YOU ARE HEREBY NOTIFIED that FSST Pharms, LLC d/b/a Native Nations Cannabis has applied for a variance of approximately 16 feet vs 300 feet as required to be from an educational institution and a variance of approximately 950 feet vs 1,000 feet as required to be from another cannabis dispensary; located at 1620 S Burr St, Suite #5, legally described as Lot 4 of AMOCO Irregular Tract located in the SE ¼ of Section 27, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. The said real property is zoned HB Highway Business District.

YOU ARE FURTHER NOTIFIED, that public hearings will be held by the City Planning Commission on January 10, 2022, 12:00 P.M. (Noon) and the Board of Adjustment on January 18 (Tuesday), 2022 at 6:00 P.M., at the Council Chambers, Mitchell City Hall, 612 N Main St. All interested parties may attend the public hearings and provide comments in regards to the applicant's request.

Dated at Mitchell, South Dakota, this 21st day of December, 2021.

Michelle Bathke

FINANCE OFFICER

Publish once: 29th day of December, 2021

Approximate Cost:



Click a starting point.





TO: THE MITCHELL PLANNING COMMISSION AND CITY COUNCIL OR BOARD OF ADJUSTMENT, THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

The undersigned applicant(s) and owner(s) is hereby making an application pursuant to the provisions of the City of Mitchell Zoning Code.

The names and addresses of the current property owners within one hundred and forty feet (140') of the applicant's property (excluding streets and alleys) will be notified upon the filing of this application.

Applicant(s) request that dates be set for public hearings before the Mitchell Planning Commission and City Council or City Board of Adjustment. Furthermore, the applicant(s) request the City of Mitchell to publish the appropriate notice(s) in accordance with the City of Mitchell's Ordinances.

☐ Rezoning \$150 application due with the application.

- Applicant is request to rezone property from _____ District to _____ District.

☒ Variance \$100 application due with the application.

- Description of Variance Requested: See attached.

☐ Conditional Use Permit \$100 application due with the application.

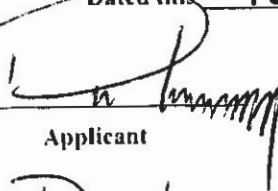
- Description of Conditional Use: _____

This Application is for the following described real property:

- Legal Description: _____

- Property Address: _____

Dated this 16th day of December, 2021


Applicant

Don Livesey
Owner

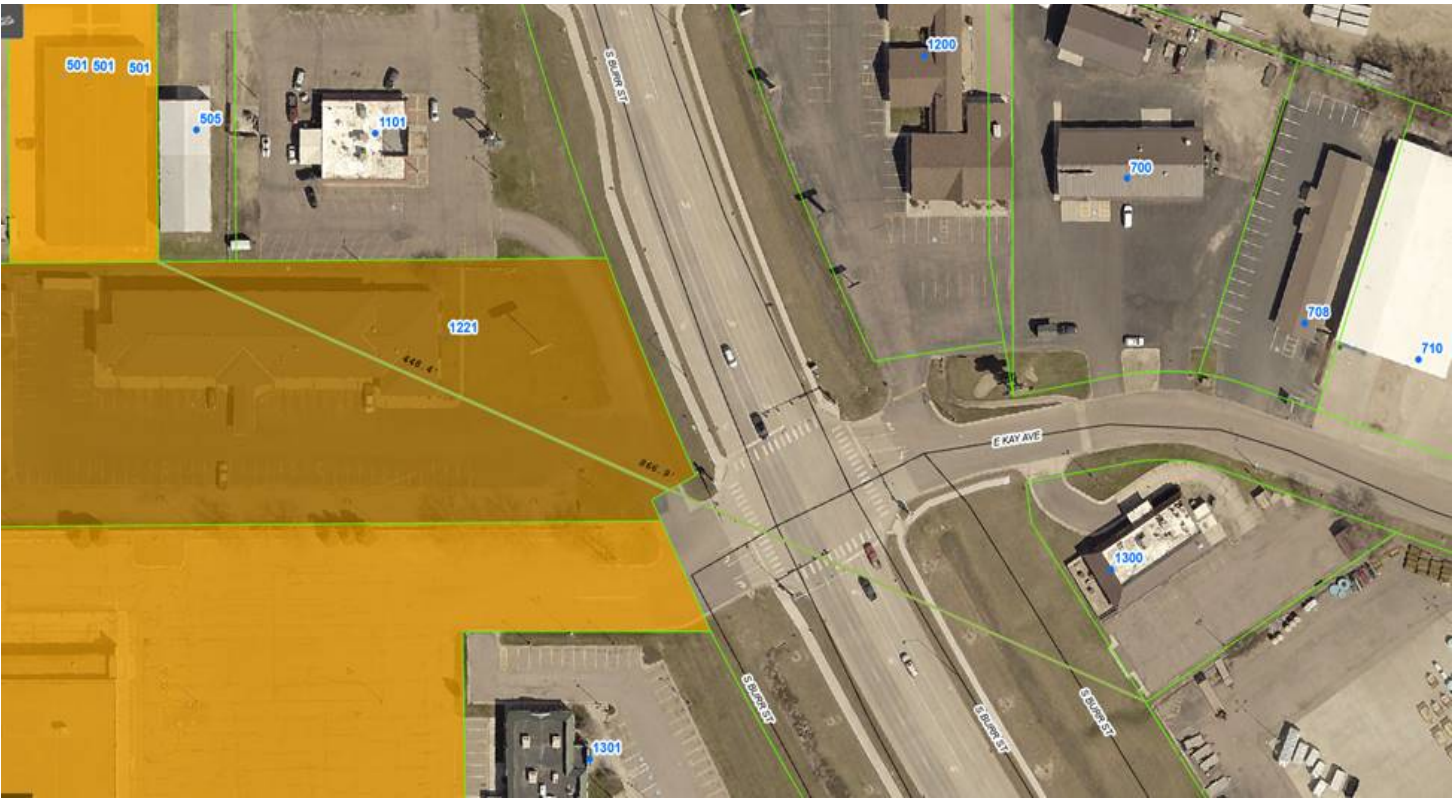
**DLJ, LLC
VARIANCE REQUEST
501 JUNIPER STREET
MEDICAL CANNABIS DISPENSARY**

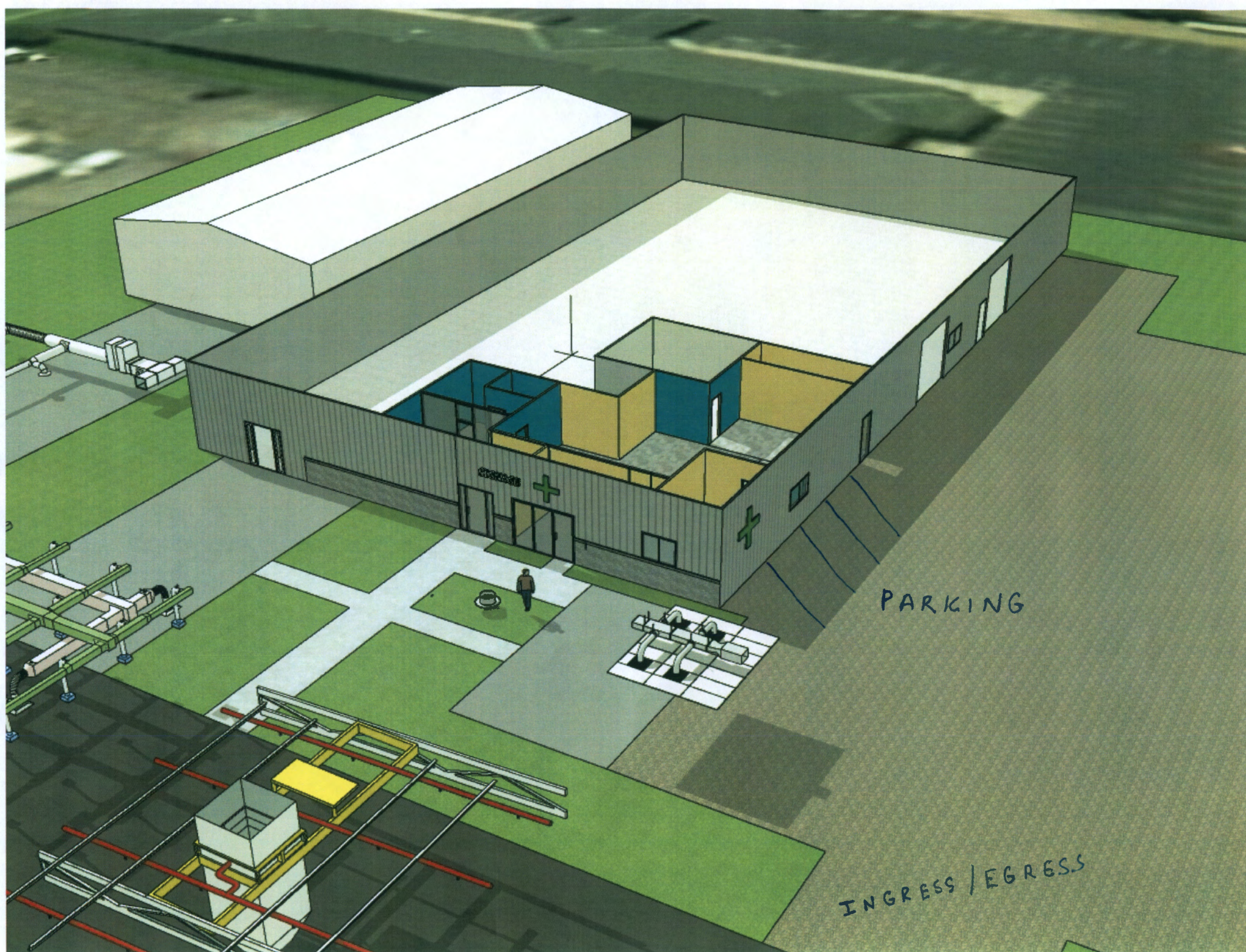
DLJ, LLC ("DLJ") requests the variance from City of Mitchell Zoning Regulation 9-15-6(B), which states in relevant part "no cannabis dispensary shall operate within one thousand feet (1,000') of another cannabis dispensary". The reason this variance is needed is because there happened to be another dispensary location that has been approved by the City of Mitchell that rests within 1,000 of DLJ's location at 501 Juniper. The other dispensary will be located in the space where Runnings is currently located.

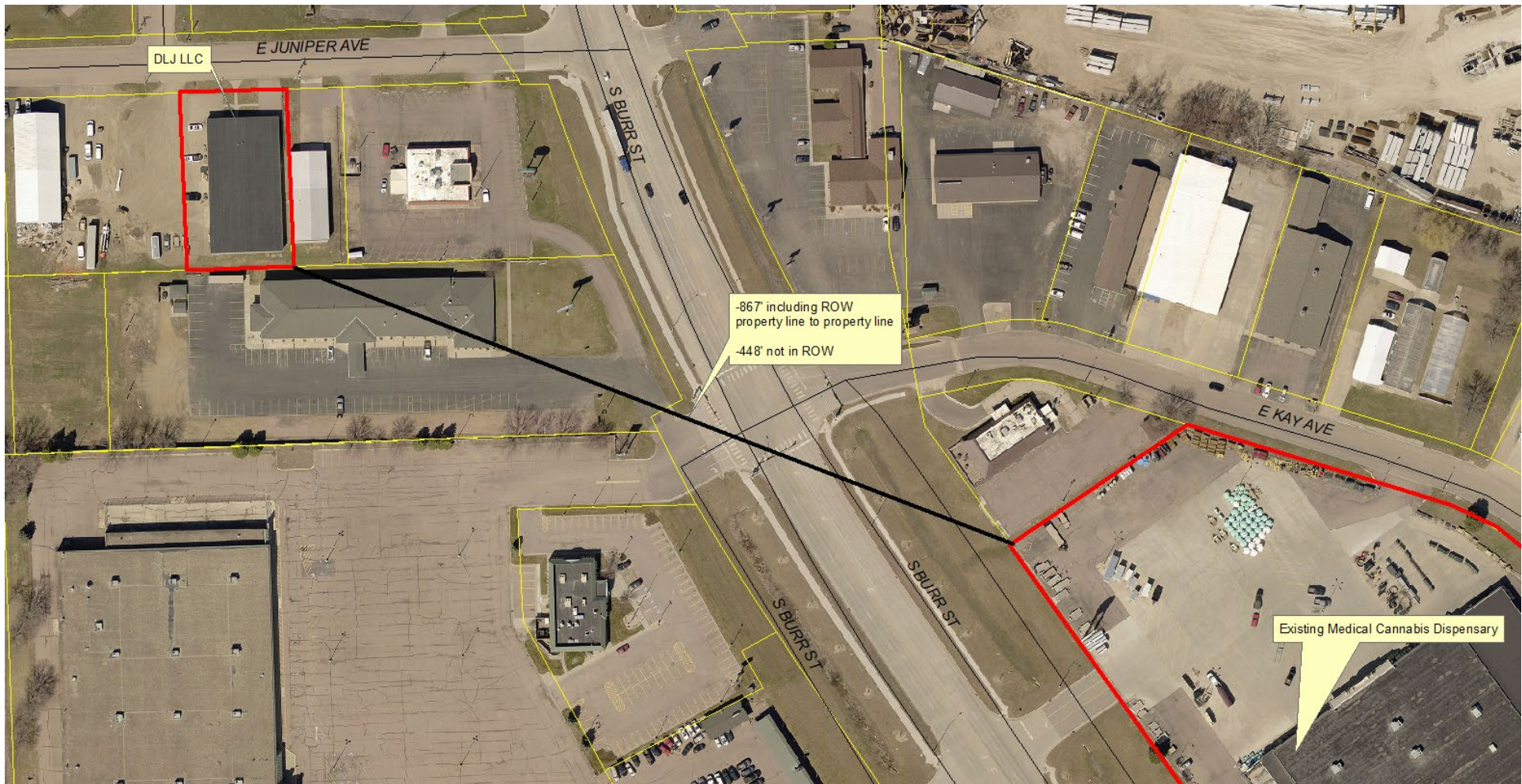
As shown on the attached map (Attachment A), the closest boundary edge between 501 Juniper and the other dispensary is approximately 867 feet. If the right of way is excluded as set forth in the ordinance, the distance is approximately 448 feet. There is no way DLJ could have known there would be a dispensary at that location at the time it filed its application.

A variance is appropriate in this case for multiple reasons. First, the two dispensary locations are separated by a four-lane portion of South Burr Street. Second, they are not in view from each other, since there is a hotel that sits in between the two locations. Third, the distance between the entrances of the locations is well over 1,000 feet. Fourth, having these two dispensaries at their respective proposed location would not interfere with any of the stated goals of the Mitchell cannabis ordinance because it would not have any adverse impact on the health, safety or welfare of the general public, would not create conflicts arising from ownership or employees, and would not create any increased safety risk or increased risk of unauthorized use or access of cannabis.

DLJ would operate a safe and healthy medical cannabis dispensary. Since its owner is a Mitchell resident and business owner, DLJ is committed to being an outstanding corporate citizen within the Mitchell community.







DLJ LLC
1307 W Birch St
Mitchell, SD 57301

Thomas & Sherri Patzer
25240 Valley View Ln
Mitchell, SD 57301

Thomas & Sherri Patzer
414 E Juniper Ave
Mitchell, SD 57301

Iverson Chrysler Center, Inc
600 S Burr St
Mitchell, SD 57301

Thomsen Enterprises LLC
PO Box 1244
Mitchell, SD 57301

Los Martinez LLC
1101 S Burr St
Mitchell, SD 57301

Dennis Wagner Trust
14375 Peace River Way
Palm Beach Gardens, FL 33418

Lori Kummer Trust
40404 262nd St
Ethan, SD 57334

Shree Radhe Hospitality LLC
1221 S Burr St
Mitchell, SD 57301

NOTICE OF HEARING

To: The Planning Commission, Board of Adjustment of the City of Mitchell, Mitchell South Dakota, and to the general public:

YOU ARE HEREBY NOTIFIED that DLJ LLC has applied for a variance of approximately 448 feet vs 1,000 feet as required to be from another cannabis dispensary; located at 501 E Juniper Ave, legally described as Lot S-3A Ex E 63' in the Replat of Lot S in the NW ¼ of Section 27, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. The said real property is zoned HB Highway Business District.

YOU ARE FURTHER NOTIFIED, that public hearings will be held by the City Planning Commission on January 10, 2022, 12:00 P.M. (Noon) and the Board of Adjustment on January 18 (Tuesday), 2022 at 6:00 P.M., at the Council Chambers, Mitchell City Hall, 612 N Main St. All interested parties may attend the public hearings and provide comments in regards to the applicant's request.

Dated at Mitchell, South Dakota, this 21st day of December, 2021.

Michelle Bathke

FINANCE OFFICER

Publish once: 29th day of December, 2021

Approximate Cost:



December 29, 2021

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that DLJ LLC has applied for a variance of approximately 448 feet vs 1,000 feet as required to be from another cannabis dispensary; located at 501 E Juniper Ave, legally described as Lot S-3A Ex E 63' in the Replat of Lot S in the NW ¼ of Section 27, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. The said real property is zoned HB Highway Business District.

YOU ARE FURTHER NOTIFIED that the City Planning Commission will be conducting a hearing on this application on Monday, January 10, 2022, 12:00 P.M. (Noon) and the Board of Adjustment on Tuesday, January 18, 2022 at 6:00 P.M, all meetings will be in the Council Chambers, City Hall, 612 N. Main St, Mitchell, SD. All interested parties may attend the hearings.

I/We Thomas E Patzer
OWNER

414 E. Juniper Ave.
ADDRESS

X APPROVE

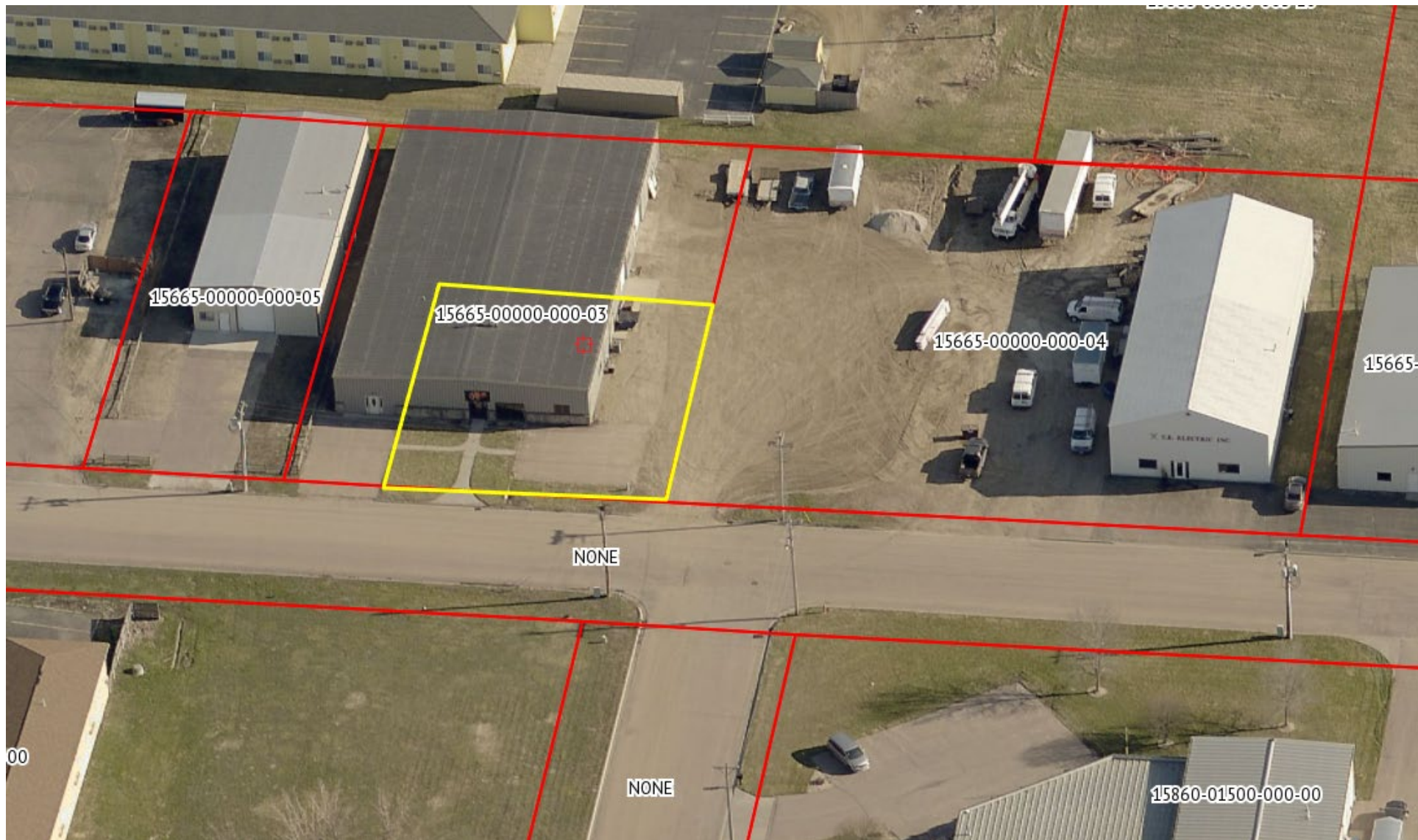
 DISAPPROVE

10/10/21

No response will indicate approval.

COMMENTS:





15665-00000-000-05

15665-00000-000-03

15665-00000-000-04

15665-

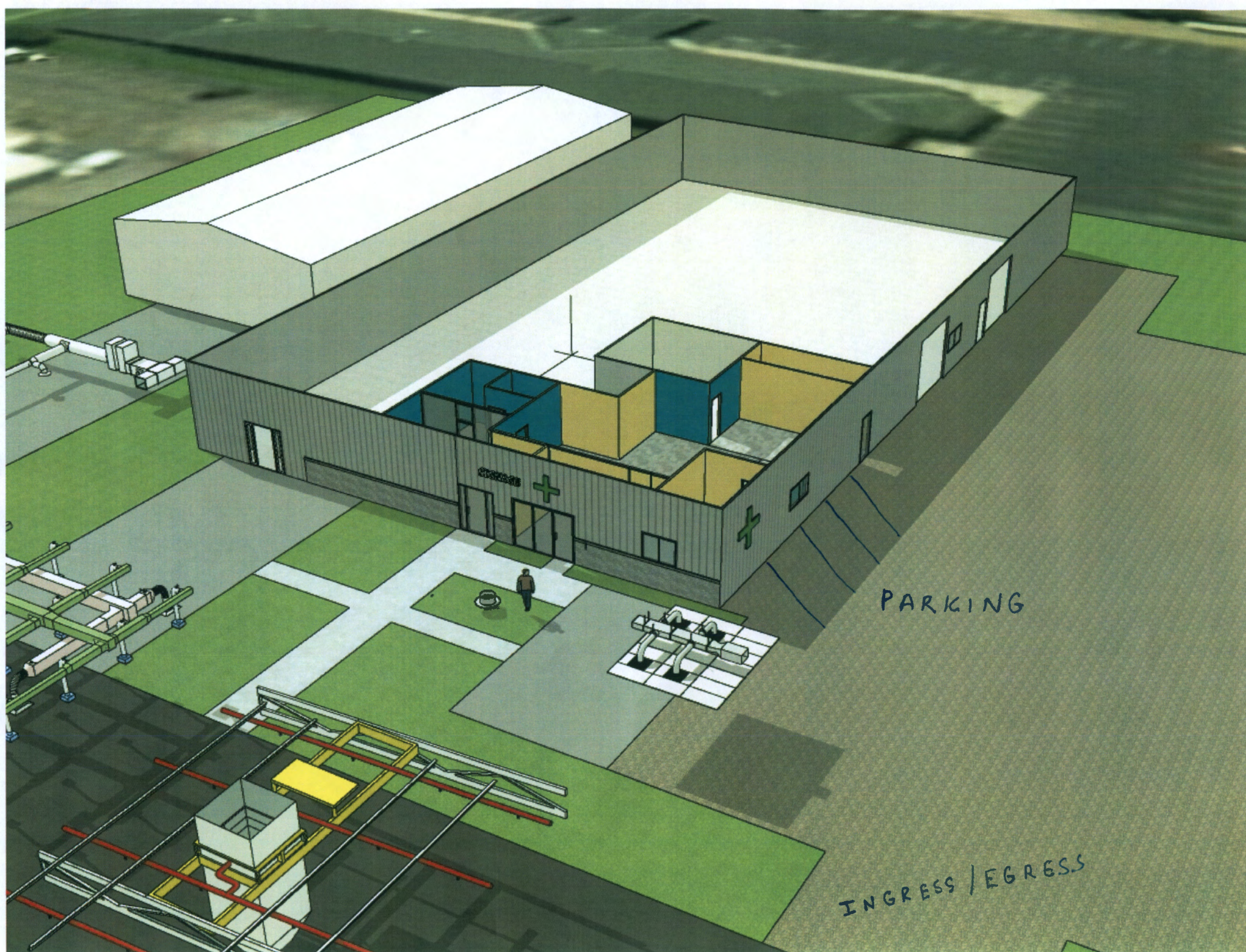
NONE

NONE

00

15860-01500-000-00

W. CA. ELECTRIC, INC.





TO: THE MITCHELL PLANNING COMMISSION AND CITY COUNCIL OR BOARD OF ADJUSTMENT, THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

The undersigned applicant(s) and owner(s) is hereby making an application pursuant to the provisions of the City of Mitchell Zoning Code.

The names and addresses of the current property owners within one hundred and forty feet (140') of the applicant's property (excluding streets and alleys) will be notified upon the filing of this application.

Applicant(s) request that dates be set for public hearings before the Mitchell Planning Commission and City Council or City Board of Adjustment. Furthermore, the applicant(s) request the City of Mitchell to publish the appropriate notice(s) in accordance with the City of Mitchell's Ordinances.

☐ Rezoning \$150 application due with the application.

- Applicant is request to rezone property from _____ District to _____ District.

☐ Variance \$100 application due with the application.

- Description of Variance Requested: See attached.

☐ Conditional Use Permit \$100 application due with the application.

- Description of Conditional Use: See attached.

We will install all required fire suppression systems/piping, in addition to other life safety alarms/systems.

This Application is for the following described real property:

- Legal Description: ROWLEYS 1ST ADDN-NW(22) LOTS 11 AND 12 BLK 12 TOWNSHIP 103N RANGE 60W

- Property Address: 108 W 5th Ave, Mitchell, SD 57301

Dated this 20th day of December, 2021

Emmett Reistroffer
Emmett Reistroffer on behalf of Genesis Farms, LLC

Applicant

Nara Volesky
Owner
Property owner

City of Mitchell Variance and CUP application attachment

Description of Variance Requested:

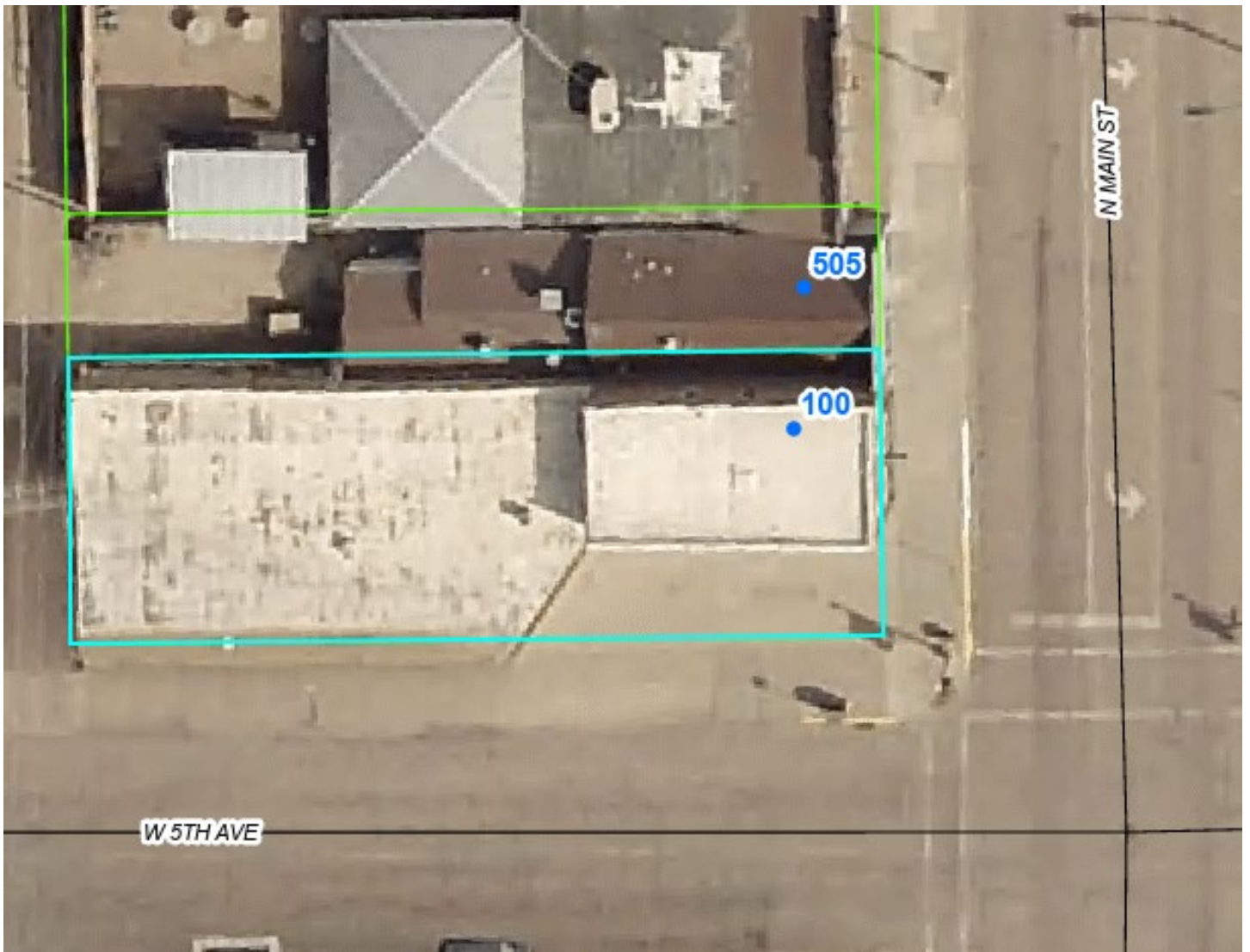
Genesis Farms, LLC, with support from the property owner, Tara Volesky, seek a variance request to allow a medical cannabis dispensary to locate in the central business district, at 106 W. 5th Ave, because the proposed location is within 300 feet of two churches. The churches are located to the south of us on Main street. We believe one of the church locations is primarily a staff office, and the other church is no longer active, however we will attempt to contact and confirm the current use of the properties with both. We are confident we can address any concerns and answer any questions the churches or other neighbors may have about the dispensary. We will maintain hours of operation from 10am – 8pm Monday – Saturday and close the dispensary every Sunday. We will only install signage on the building in accordance with the rules and regulations required by the South Dakota Department of Health and the City of Mitchell. Our preference is that signage be minimal, discreet, and similar in appearance to a medical clinic or pharmacy. Under no circumstances will we install art or logos that display or depict images of cannabis. Under no circumstance will we allow consumption of cannabis on the premises. We will invest in odor control technology and mechanical systems, robust security systems (including video surveillance, alarms and more), specialized staff training, inventory control software and a secure entry/access control vestibule – to ensure the dispensary is operated professionally and in a manner that does not negatively impact or disrupt the surrounding neighborhood. We are committed to following all applicable laws and regulations and ensuring cannabis is safely and securely dispensed only to registered and verified patients and caregivers.

 12/20/21

Description of Conditional Use:

Genesis Farms, LLC, with support from the property owner, Tara Volesky, seek a Conditional Use to allow a medical cannabis dispensary to locate in the central business district, at 106 W. 5th Ave. We are confident we can address any concerns and answer any questions that members of the community may have. We will maintain hours of operation from 10am – 8pm Monday – Saturday and close the dispensary on Sundays. We will only install signage on the building in accordance with the rules and regulations required by the South Dakota Department of Health and the City of Mitchell. Our preference is that signage be minimal, discreet, and similar in appearance to a medical clinic or pharmacy. Under no circumstances will we install art or logos that display or depict images of cannabis. Under no circumstance will we allow consumption of cannabis on the premises. We will invest in odor control technology and mechanical systems, robust security systems (including video surveillance, alarms and more), specialized staff training, inventory control software and a secure entry/access control vestibule – to ensure the dispensary is operated professionally and in a manner that does not negatively impact or disrupt the surrounding neighborhood. We are committed to following all applicable laws and regulations and ensuring cannabis is safely and securely dispensed only to registered and verified patients and caregivers. We will make significant improvements to the building, including an interior buildout and improvements to the exterior façade, to create an environment that is clinical in nature and similar to a medical clinic or pharmacy. We will add the necessary ADA improvements/features and work with the City to improve the adjacent public sidewalk. We will design and operate the dispensary in a manner that ensures cannabis and related business activities are not visible to neighbors, and so that any cannabis related business activities do not negatively impact the neighbors in any way.

 12/20/21



Genesis Farms LLC
PO Box 2735
Sioux Falls, SD 57101

Menprop LLC
PO Box 456
Mitchell, SD 57301

Volesky Properties LLC
404 Homer Ct #4
Mitchell, SD 57301

Douglas & Gay Weber
512 W 3rd Ave
Mitchell, SD 57301

Chuck Mueller
508 N Rowley St
Mitchell, SD 57301

Clayton & Frieda Helmuth
504 N Rowley St
Mitchell, SD 57301

John & Brenda Weisser
815 E 4th Ave
Mitchell, SD 57301

Keke Leiferman
614 E 6th Ave
Mitchell, SD 57301

City of Mitchell
612 N Main St
Mitchell, SD 57301

Slate Creek Properties LLC
3612 W Teem Dr
Sioux Falls, SD 57107

Timothy & Sherry Hines
605 W 14th Ave
Mitchell, SD 57301

Boyd Reimnitz
817 N Sanborn Ave
Mitchell, SD 57301

Word of Life Christian
420 N Main St
Mitchell, SD 57301

Brenda Olesen
721 W Hanson Ave
Mitchell, SD 57301

NOTICE OF HEARING

To: The Planning Commission, Board of Adjustment of the City of Mitchell, Mitchell South Dakota, and to the general public:

YOU ARE HEREBY NOTIFIED that Genesis Farms LLC has applied for a Conditional Use Permit to operate a Medical Cannabis Dispensary; located at 106 W 5th Ave, legally described as Lots 11 and 12, Block 12, Rowley's 1st Addition, City of Mitchell, South Dakota. The said real property is zoned CB Central Business District.

YOU ARE FURTHER NOTIFIED, that public hearings will be held by the City Planning Commission on January 10, 2022, 12:00 P.M. (Noon) and the Board of Adjustment on January 18 (Tuesday), 2022 at 6:00 P.M., at the Council Chambers, Mitchell City Hall, 612 N Main St. All interested parties may attend the public hearings and provide comments in regards to the applicant's request.

Dated at Mitchell, South Dakota, this 21st day of December, 2021.

Michelle Bathke

FINANCE OFFICER

Publish once: 29th day of December, 2021

Approximate Cost:



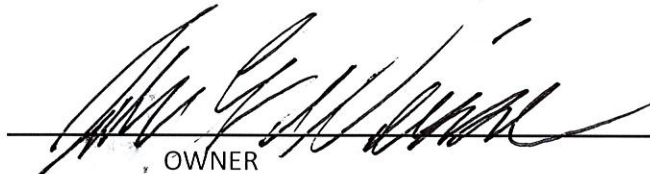
December 29, 2021

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that Genesis Farms LLC has applied for a Conditional Use Permit to operate a Medical Cannabis Dispensary; located at 106 W 5th Ave, legally described as Lot S-3A Ex E 63' in the Replat of Lot S in the NW ¼ of Section 27, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. The said real property is zoned CB Central Business District.

YOU ARE FURTHER NOTIFIED that the City Planning Commission will be conducting a hearing on this application on Monday, January 10, 2022, 12:00 P.M. (Noon) and the Board of Adjustment on Tuesday, January 18, 2022 at 6:00 P.M, all meetings will be in the Council Chambers, City Hall, 612 N. Main St, Mitchell, SD. All interested parties may attend the hearings.

I/We



OWNER

114 W 5th and 500 N Rowley

ADDRESS

____ APPROVE

☒ DISAPPROVE

No response will indicate approval.

COMMENTS:



TO: THE MITCHELL PLANNING COMMISSION AND CITY COUNCIL OR BOARD OF ADJUSTMENT, THE CITY OF MITCHELL, DAVISON COUNTY, SOUTH DAKOTA.

The undersigned applicant(s) and owner(s) is hereby making an application pursuant to the provisions of the City of Mitchell Zoning Code.

The names and addresses of the current property owners within one hundred and forty feet (140') of the applicant's property (excluding streets and alleys) will be notified upon the filing of this application.

Applicant(s) request that dates be set for public hearings before the Mitchell Planning Commission and City Council or City Board of Adjustment. Furthermore, the applicant(s) request the City of Mitchell to publish the appropriate notice(s) in accordance with the City of Mitchell's Ordinances.

☐ Rezoning \$150 application due with the application.

- Applicant is request to rezone property from _____ District to _____ District.

☐ Variance \$100 application due with the application.

- Description of Variance Requested: See attached.

☐ Conditional Use Permit \$100 application due with the application.

- Description of Conditional Use: See attached.

We will install all required fire suppression systems/piping, in addition to other life safety alarms/systems.

This Application is for the following described real property:

- Legal Description: ROWLEYS 1ST ADDN-NW(22) LOTS 11 AND 12 BLK 12 TOWNSHIP 103N RANGE 60W

- Property Address: 108 W 5th Ave, Mitchell, SD 57301

Dated this 20th day of December, 2021

Emmett Reistroffer
Emmett Reistroffer on behalf of Genesis Farms, LLC

Applicant

Nara Volesky
Owner
Property owner

City of Mitchell Variance and CUP application attachment

Description of Variance Requested:

Genesis Farms, LLC, with support from the property owner, Tara Volesky, seek a variance request to allow a medical cannabis dispensary to locate in the central business district, at 106 W. 5th Ave, because the proposed location is within 300 feet of two churches. The churches are located to the south of us on Main street. We believe one of the church locations is primarily a staff office, and the other church is no longer active, however we will attempt to contact and confirm the current use of the properties with both. We are confident we can address any concerns and answer any questions the churches or other neighbors may have about the dispensary. We will maintain hours of operation from 10am – 8pm Monday – Saturday and close the dispensary every Sunday. We will only install signage on the building in accordance with the rules and regulations required by the South Dakota Department of Health and the City of Mitchell. Our preference is that signage be minimal, discreet, and similar in appearance to a medical clinic or pharmacy. Under no circumstances will we install art or logos that display or depict images of cannabis. Under no circumstance will we allow consumption of cannabis on the premises. We will invest in odor control technology and mechanical systems, robust security systems (including video surveillance, alarms and more), specialized staff training, inventory control software and a secure entry/access control vestibule – to ensure the dispensary is operated professionally and in a manner that does not negatively impact or disrupt the surrounding neighborhood. We are committed to following all applicable laws and regulations and ensuring cannabis is safely and securely dispensed only to registered and verified patients and caregivers.

 12/20/21

Description of Conditional Use:

Genesis Farms, LLC, with support from the property owner, Tara Volesky, seek a Conditional Use to allow a medical cannabis dispensary to locate in the central business district, at 106 W. 5th Ave. We are confident we can address any concerns and answer any questions that members of the community may have. We will maintain hours of operation from 10am – 8pm Monday – Saturday and close the dispensary on Sundays. We will only install signage on the building in accordance with the rules and regulations required by the South Dakota Department of Health and the City of Mitchell. Our preference is that signage be minimal, discreet, and similar in appearance to a medical clinic or pharmacy. Under no circumstances will we install art or logos that display or depict images of cannabis. Under no circumstance will we allow consumption of cannabis on the premises. We will invest in odor control technology and mechanical systems, robust security systems (including video surveillance, alarms and more), specialized staff training, inventory control software and a secure entry/access control vestibule – to ensure the dispensary is operated professionally and in a manner that does not negatively impact or disrupt the surrounding neighborhood. We are committed to following all applicable laws and regulations and ensuring cannabis is safely and securely dispensed only to registered and verified patients and caregivers. We will make significant improvements to the building, including an interior buildout and improvements to the exterior façade, to create an environment that is clinical in nature and similar to a medical clinic or pharmacy. We will add the necessary ADA improvements/features and work with the City to improve the adjacent public sidewalk. We will design and operate the dispensary in a manner that ensures cannabis and related business activities are not visible to neighbors, and so that any cannabis related business activities do not negatively impact the neighbors in any way.

 12/20/21



Genesis Farms LLC
PO Box 2735
Sioux Falls, SD 57101

Menprop LLC
PO Box 456
Mitchell, SD 57301

Volesky Properties LLC
404 Homer Ct #4
Mitchell, SD 57301

Douglas & Gay Weber
512 W 3rd Ave
Mitchell, SD 57301

Chuck Mueller
508 N Rowley St
Mitchell, SD 57301

Clayton & Frieda Helmuth
504 N Rowley St
Mitchell, SD 57301

John & Brenda Weisser
815 E 4th Ave
Mitchell, SD 57301

Keke Leiferman
614 E 6th Ave
Mitchell, SD 57301

City of Mitchell
612 N Main St
Mitchell, SD 57301

Slate Creek Properties LLC
3612 W Teem Dr
Sioux Falls, SD 57107

Timothy & Sherry Hines
605 W 14th Ave
Mitchell, SD 57301

Boyd Reimnitz
817 N Sanborn Ave
Mitchell, SD 57301

Word of Life Christian
420 N Main St
Mitchell, SD 57301

Brenda Olesen
721 W Hanson Ave
Mitchell, SD 57301

NOTICE OF HEARING

To: The Planning Commission, Board of Adjustment of the City of Mitchell, Mitchell South Dakota, and to the general public:

YOU ARE HEREBY NOTIFIED that Genesis Farms LLC has applied for a variance of 0 feet vs 300 feet as required to be from religious institution; located at 106 W 5th Ave, legally described as Lots 11 and 12, Block 12, Rowley's 1st Addition, City of Mitchell, South Dakota. The said real property is zoned CB Central Business District.

YOU ARE FURTHER NOTIFIED, that public hearings will be held by the City Planning Commission on January 10, 2022, 12:00 P.M. (Noon) and the Board of Adjustment on January 18 (Tuesday), 2022 at 6:00 P.M., at the Council Chambers, Mitchell City Hall, 612 N Main St. All interested parties may attend the public hearings and provide comments in regards to the applicant's request.

Dated at Mitchell, South Dakota, this 21st day of December, 2021.

Michelle Bathke

FINANCE OFFICER

Publish once: 29th day of December, 2021

Approximate Cost:



December 29, 2021

TO WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED that Genesis Farms LLC has applied for a variance of 0 feet vs 300 feet as required to be from religious institution; located at 106 W 5th Ave, legally described as Lot S-3A Ex E 63' in the Replat of Lot S in the NW ¼ of Section 27, T 103 N, R 60 W of the 5th P.M., City of Mitchell, Davison County, South Dakota. The said real property is zoned CB Central Business District.

YOU ARE FURTHER NOTIFIED that the City Planning Commission will be conducting a hearing on this application on Monday, January 10, 2022, 12:00 P.M. (Noon) and the Board of Adjustment on Tuesday, January 18, 2022 at 6:00 P.M, all meetings will be in the Council Chambers, City Hall, 612 N. Main St, Mitchell, SD. All interested parties may attend the hearings.

I/We

Brenda Weisner
OWNER

114 W 5th Ave and 500 N Rowley
ADDRESS

____ APPROVE

X DISAPPROVE

No response will indicate approval.

COMMENTS: